

1 APPEARANCES (CONT'D)

2

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1 DISCLOSURE

2 STATE OF TENNESSEE
3 COUNTY OF HAMILTON
4 DEPONENT: NIKOLAS SHANE SHIPLEY

5 Pursuant to the Rules and Regulations of the Tennessee
6 Board of Court Reporting, I make the following
7 disclosure:

8 I am a Tennessee Licensed Court Reporter. I am here
9 as an independent contractor for Wilson Reporting
10 Agency.

11 Wilson Reporting Agency was contacted to provide court
12 reporting services for this deposition. Wilson Reporting
13 Agency will not be taking this deposition under any
14 contract that is prohibited by TCA 24-9-136.

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19 this deposition.

20 Wilson Reporting Agency will charge its usual and
21 customary rates to all parties in the case, and a
22 financial discount will not be given to any party to this
23 litigation.

24 Sheila D. Wilson, LCR#268
25 Expiration date: June 30, 2026

1 The deposition of NIKOLAS SHANE SHIPLEY, taken on
2 the 8th of October 2024, on behalf of the Defendants,
3 beginning at approximately 9:05 A.M., in the offices of
4 Tidwell and Associates, 1810 McCallie Avenue,
5 Chattanooga, Tennessee, before Sheila D. Wilson, Licensed
6 Court Reporter #268, and Notary Public.

7 This deposition is taken pursuant to the terms and
8 provisions of the Federal Rules of Civil Procedure.
9 Signature of the witness not discussed.

10 ///

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1 NIKOLAS SHANE SHIPLEY,
2 called as a witness at the instance of the Defendants,
3 having been first duly sworn at approximately 9:05 A.M.,
4 was examined and testified as follows:
5 EXAMINATION
6 BY MR. TIDWELL:
7 Q Mr. Shipley, my name is Jerry Tidwell. I
8 represent Darnell Bryant, Chattanooga police officer,
9 individually in this case. Okay? And he's -- I don't
10 represent the City of Chattanooga, I just represent him.
11 I'm going to give you a few ground rules about
12 depositions. First let me ask you, have you ever given a
13 deposition?
14 A No, sir.
15 Q Okay. If at any time during the course of this
16 deposition you need to take a break, all you need to do
17 is tell us. This isn't a marathon.
18 A Right on.
19 Q If you need to take a break, need to use the
20 restroom, just want to catch a breather and get some
21 water, tell us. Okay?
22 A Thank you.
23 Q The only thing I would ask you is, if I have a
24 question on the table when you ask for the break, just
25 please answer that question and then we'll stop. Okay?

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1 A Yes, sir.
2 Q I will most likely ask a question that doesn't
3 make sense or is not clear. That's probably going to
4 happen. So when it does happen, please ask me to restate
5 it or rephrase it. Okay?
6 A Gotcha.
7 Q Because I just want to get correct answers. I
8 don't want there to be any doubt in your mind about what
9 I'm asking. All right?
10 A Okay.
11 Q And please always answer audibly. What that means
12 is, when you nod your head up and down or say uh-huh or
13 huh-uh, she can't take that. Okay?
14 A Right on.
15 Q And what I mean by that is, she can take it, she
16 just can't take it down.
17 A Of course.
18 Q Now, also another rule, which she will call --
19 Ms. Wilson, this is her room, I just work here. She will
20 call me down when I talk over you or you talk over me.
21 So you have to let me finish the question before you
22 answer. All right?
23 A Yes, sir.
24 Q And I promise I'll try to let you finish your
25 answer before I ask another question. Okay?

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1 A Okey doke.
2 Q But most likely it'll happen, okay? So just don't
3 worry about that.
4 If your attorney registers an objection to form,
5 which often happens in depositions, there is no judge
6 here to rule, so you have to answer the question unless
7 he instructs you not to answer the question. Okay?
8 A Okey doke.
9 Q And if you have any doubt about that, you can stop
10 and talk to your lawyer. But just because you hear an
11 objection doesn't mean you don't answer the question.
12 All right?
13 A Okay.
14 Q Are you ready to start?
15 A Yes, sir.
16 Q State your full name, please.
17 A Nikolas Shane Shipley.
18 Q Is that S-h-a-n-e?
19 A Yes, sir. And it's N-i-k-o-l-a-s.
20 Q I noticed that. What is the month and year of
21 your birth?
22 A April 30th.
23 Q The year?
24 A 1995.
25 Q Do you currently reside in Hamilton County?

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1 A Yes, sir.
2 Q Have you always lived in Hamilton County?
3 A More or less. I moved to Detroit in 2017, but
4 then I came back in 2018.
5 Q Were you born here?
6 A Yes, sir.
7 Q Did you go to high school here?
8 A Yes, sir.
9 Q Where at?
10 A Lookout Valley.
11 Q Did you graduate?
12 A Yes, sir.
13 Q What year?
14 A 2013.
15 Q Did you attend college or junior college?
16 A College briefly.
17 Q Where did you go?
18 A Chattanooga State.
19 Q Did you complete a semester or semesters?
20 A Maybe one or two semesters. I didn't get a degree
21 though.
22 Q Have you attended any trade schools or any other
23 kind of educational institute?
24 A No, sir. Not officially. Like, YouTube
25 Institute.

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1 Q What is your general work history since you got
2 out of high school? I'm not talking about every job.
3 I'm just talking about what generally have you done for a
4 living?
5 A I worked at UPS for four years; Hometown Pharmacy
6 in Ann Harbor, Michigan, for one year; and I'm
7 self-employed now and have been since 2019.
8 Q Is this self-employment with -- I think it's
9 called Greenwell LLC?
10 A Yes, sir.
11 Q I'll ask you about that later.
12 When you were at UPS were you a driver?
13 A No, sir.
14 Q What did you do?
15 A I was a driver helper at first, and then I
16 transitioned as a truck loader in the hub.
17 Q When you worked at Hometown Pharmacy in Michigan,
18 what did you do?
19 A I was a delivery driver for prescriptions.
20 Q Are you married?
21 A No, sir.
22 Q Have you ever been married?
23 A No, sir.
24 Q Do you have any children?
25 A No, sir.

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1 Q Therefore you've never been divorced, correct?
2 A Correct.
3 Q Have you ever had anyone take a protective order
4 out against you?
5 A No, sir.
6 Q Do you have family in the Hamilton County area?
7 And I'm talking about the confines of Hamilton County.
8 A Yes, sir.
9 Q The reason I'm going to ask you this next question
10 is because it's possible, if the case goes to trial, that
11 jurors will be pulled from this county or surrounding
12 counties. So, could you just give me information? Is
13 your mother and father alive?
14 A My mother is.
15 Q What is your mother's name?
16 A Tabitha Crowe.
17 Q And she lives in this area?
18 A She does.
19 Q Okay. Do you have any siblings that live in the
20 southeast Tennessee area?
21 A I do.
22 Q What are their names, please?
23 A Jacob and Joshua Shipley, my brothers. Madeline
24 Crowe, my half-sister.
25 Q Thank you. Let me ask you about the events of

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1 December 18, 2022. But let me note that, it's my belief
2 that the stop and citation of you occurred in 2022 but
3 some of the documents I've seen say 2023. What is your
4 recollection?
5 A 2022.
6 Q Can you tell me where you had been that day prior
7 to the police stopping you?
8 A Rock City. We were at Rock City with my vice
9 president at the time and his family.
10 Q What is his name?
11 A Cody Wilkinson.
12 Q Is he no longer with you?
13 A He is not.
14 Q Was anybody else with you that day? At Rock City
15 I mean.
16 A It was Cody, his wife, his brother and his three
17 kids, and my girlfriend at the time, Tiffany.
18 Q Is that Tiffany Harris?
19 A Yes, sir.
20 Q Had you drank any alcohol that day?
21 A No, sir.
22 Q Had you used any form of substance?
23 A No, sir.
24 Q Had you smoked any hemp that day?
25 A No, sir.

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1 Q Okay. You're aware that at least Officer Bryant
2 had body cam on for a while before he stopped?
3 A Yes, sir.
4 Q Have you watched that body cam?
5 A Yes, sir.
6 Q Have you seen former Officer Serret and Buckley's
7 body cameras?
8 A Yes, sir.
9 Q Have you watched the dash cam video from the
10 cars --
11 A Yes, sir.
12 Q -- that were available? So you've seen all the
13 video, correct?
14 A Yes, sir.
15 Q I ask this question because I have had somebody
16 tell me that I once altered video in a case somehow. And
17 so I -- do you think those videos have been altered in
18 any way?
19 A No, sir.
20 Q Do you think the audio on the video has been
21 altered --
22 A No, sir.
23 Q -- in any way? Well, thank you, because I'm not Q
24 from Bond movies, and I can't, I can't change stuff like
25 that.

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1 A It's the 5G towers.
2 Q Exactly.
3 You were stopped, as I understand it, for a window
4 tint violation.
5 A Yes, sir.
6 Q What is your understanding of the window tint law?
7 A 35 percent, with five percent plus or minus.
8 Q Okay. Do you dispute that the window tint on your
9 car was illegal?
10 A Yes, sir.
11 Q This will be the first exhibit I'm going to show
12 you. This is a snapshot from the video, one of the video
13 cameras.
14 A Is that a state-issued tint meter?
15 Q It's a tint meter that I understand was purchased
16 from Amazon by Darnell Bryant.
17 A Is that department policy?
18 Q They don't have a policy, nor do they issue tint
19 meters to police officers, is what I will represent to
20 you, I've been told. I'm not the chief of police. So,
21 you know, that's my knowledge.
22 A Right.
23 Q I'm not telling you it's correct.
24 A Of course.
25 Q You understand what I'm saying?

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1 A Yes, sir.
2 Q So, I --
3 MR. PINKSTON: He's most likely right. If
4 you've never worked with police for too long, they
5 probably don't give them issued tint meters.
6 MR. TIDWELL: I know the county sheriff's
7 department does not issue them, because that came up in a
8 case recently.
9 A How can they expect them to issue citations?
10 Q Well, I -- don't misunderstand this. I don't have
11 to answer questions --
12 A Right.
13 Q -- and I won't, because it slows us down. It's
14 not that I mind doing it.
15 A Fair enough.
16 MR. TIDWELL: I'd like to mark this as the
17 first exhibit.
18 ([Exhibit 1](#) was marked.)
19 BY MR. TIDWELL:
20 Q What I see there is the tint meter. And I've seen
21 this tint meter and actually used it myself since this
22 case happened, just to see what they work like. It says
23 29 percent on there, doesn't it?
24 A Yes, sir.
25 Q Do you think your tint is at 29 percent on your

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1 car?
2 A I'd say around there, yes, sir.
3 Q Do you know why officers are concerned about dark
4 window tint on cars? If you know.
5 A Not necessarily. I mean, Serret told me that
6 they've stopped murderers for window tint and caught them
7 that way, and they've caught drug traffickers with window
8 tint. So, it sounds like a good way to profile somebody.
9 Q Are you aware that police officers are concerned,
10 when they walk up on a stopped car, when they can't see
11 what's going on inside the car? Have you ever heard that
12 or been told that?
13 A It makes sense. But he also saw me at a gas
14 station getting in and out of the car.
15 Q Where did that happen?
16 A On Broad Street. The Circle K on Broad Street.
17 No, I'm sorry. Tennessee Avenue.
18 Q Prior to you being stopped?
19 A Yes, sir.
20 Q On the same day, December --
21 A Yeah. It's on the body cam footage, the dash cam.
22 You see him run my information, sitting in the gas
23 station parking lot and then follow me out, with two
24 other cops behind him.
25 Q I noticed in paragraph 27 of your complaint you

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1 stated that this window tint was installed by a
2 professional installer, correct?
3 A Yes, sir.
4 Q Since I've referred to the complaint, I'd like to
5 mark it as the next exhibit, if that's all right.
6 A And we got a statement from the tint manufacturer.
7 MR. TIDWELL: I want to ask you about that,
8 but she has to mark this, and we can't talk while she's
9 marking it. I forgot to tell you that. When she's
10 marking exhibits, we have to stop talking. Because you
11 can see her hands are busy, you know. None of this
12 rocket science. I think you've figured that out already.
13 ([Exhibit 2](#) was marked.)
14 BY MR. TIDWELL:
15 Q You said you've got a statement from your tint
16 manufacturer, the installer?
17 A The people that installed the tint, yes, sir.
18 Q Has that been provided to us?
19 THE WITNESS: Pinkston?
20 MR. PINKSTON: Say again?
21 THE WITNESS: Did we give the -- do you still
22 got the stuff from the --
23 MR. PINKSTON: The picture?
24 THE WITNESS: The tint guy.
25 MR. PINKSTON: I'll have to double-check.

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1 MR. TIDWELL: If you can find his statement
2 about the tint, I'm talking about the tint installer,
3 would you please provide it to us?
4 THE WITNESS: Because he printed off the
5 receipt from the -- whenever I got my windows tinted.
6 MR. PINKSTON: Correct.
7 MR. TIDWELL: And let me say, I don't know
8 how y'all feel about late-filed exhibits. Some people
9 don't like using them, because they never show up. But
10 do y'all want me to call it a late-filed exhibit? I
11 don't care one way or the other.
12 MR. PINKSTON: That's fine.
13 MR. TIDWELL: Because I'll follow up on it
14 anyway.
15 MR. PINKSTON: Doesn't bother me.
16 MR. TIDWELL: I see heads nodding up and
17 down. Is that all right with y'all?
18 MR. YANEZ: That's fine.
19 MS. VARNELL: That's fine.
20 MR. TIDWELL: Okay. Let's just call that
21 late-filed 3.
22 ([Exhibit 3](#), late filed, will be window tint
23 installer/manufacture information.)
24 BY MR. TIDWELL:
25 Q Who was the window tint installer that

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1 installed it? If you remember.
2 A I was just trying to think of that.
3 Q If you remember.
4 A I know where their office is.
5 Q Where's their office at?
6 A Broad Street, coincidentally.
7 Q Did the car you were driving have window tint on
8 it already?
9 A I'm not sure.
10 Q Okay. What was the purpose of installing window
11 tint?
12 A To keep the car cooler during the summer.
13 Q Okay.
14 A And I think it's Evolution Tint and Audio.
15 Q So the police pull you over. And tell me what
16 happened next.
17 A Well, initially there -- I mean, I've never been
18 pulled over by three cops at one time. But there were
19 three of them there as soon as he hit the blue lights.
20 Officer Bryant approached the window. Asked me
21 why he pulled me over. Told him I didn't know. You
22 know, the whole song and dance. And then he insisted
23 that he smelled cannabis in my car, and asked me when I
24 smoked. I told him I hadn't smoked that day and there
25 wasn't any weed in the car.

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1 And -- do you want me to say the whole thing?
2 Q Yeah. Tell me what went on. And I know it's on
3 video, but what's your recollection?
4 A Well, he told me to get out of the car. And I
5 didn't want to because I knew what was coming. You know,
6 like, he's going to waste a lot of my time, and it's cold
7 out here. It was December, right? It's pretty well
8 evidenced in the video what happened.
9 Q I get it. But at some point I assume he asked you
10 if he could search your car?
11 A He did.
12 Q And what did you say?
13 A No.
14 Q Okay. And did any other officer present say
15 anything about smelling marijuana or --
16 A Well, I thought --
17 Q -- suspecting marijuana --
18 A I thought it was --
19 Q -- in the car?
20 A -- interesting, because at first Bryant said that
21 he smelled the weed, and then he said that -- I hit my
22 nicotine vap, right? Like this thing. And I hit it in
23 the car all the time anyway. But he said that me hitting
24 my nicotine vap was suspicious because he thought I was
25 trying to cover the smell of something else.

Page 21

1 Q Had you been using your nicotine vap in the car?
2 A Of course.
3 Q Who was in the car with you when you were pulled
4 over?
5 A Tiffany Harris.
6 Q I assume the other people were not in the same
7 vehicle then, correct?
8 A Right.
9 Q From Rock City.
10 A Oh, no. He had -- him and his whole family were
11 in their van.
12 Q Okay. And what else did Darnell Bryant say to
13 you, that you remember?
14 A I did think it was interesting that at first he
15 said he smelled weed, and then he said that he smelled
16 something that was covering the smell of weed. And then
17 later he said that his partner was the one who smelled
18 it.
19 Q Did you hear his partner say that?
20 A No.
21 Q Do you know the difference between Serret and
22 Buckley from watching the video? What they look like, I
23 mean. They're officers that were at the scene.
24 A Right. I'm not sure which is which.
25 Q Well --

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1 A Which one's the girl?
2 Q That would be Buckley, I believe.
3 A Okay. Well, then, yeah, I do know the difference.
4 Q Okay. So, did you hear Buckley or Serret say that
5 they smelled any marijuana in the car?
6 A I heard Serret say something ambiguously phrased,
7 like there was the smell of weed somewhere. Because he
8 was, like, "We smell weed," basically.
9 Q Did the search of the car begin before the drug
10 dog got there --
11 A No, sir.
12 Q -- or after?
13 A After. The drug dog showed up, didn't hit on the
14 car, and then they searched it anyway. And the K-9
15 officer told me, when I was getting a little animated
16 about it -- because I've never heard of a drug dog not
17 hitting and then the car still getting searched. It's
18 unusual to me. I was getting a little flustered, and the
19 K-9 officer said, "I wouldn't like my rights being
20 violated either," which kind of is an admission of guilt,
21 in my opinion. Because even he observed that my rights
22 were being violated.
23 Q You were wearing a pistol holster, correct?
24 A Correct.
25 Q Is this a holster that just clips on your pants or

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1 belt?
2 A Yes, sir.
3 Q The --
4 A Inside the pant holster.
5 Q Okay. The picture I saw, that was provided, of
6 the holster looked like one that would clip on your
7 pants, to me.
8 A Uh-huh.
9 Q What kind of pistol was it?
10 A A Ruger ECS9.
11 Q It's a 9 mm?
12 A Yes, sir.
13 Q And you have -- did you ever -- I know this is a
14 constitutional carry state, but --
15 A I have a carry permit.
16 Q You have a carry permit. Okay.
17 A And I presented it to them at the time.
18 Q At what point was the pistol removed from your
19 holster?
20 A As soon as I stepped out of the car.
21 Q Do you --
22 A I disclosed it to them, I let them know that I had
23 it, just so they didn't get scared or nothing.
24 Q Sure. And do you know why they would've taken the
25 pistol at that time?

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1 A For their safety.
2 Q Okay.
3 A And I mean, I get that.
4 Q Did they place the pistol on the hood of their car
5 or something?
6 A I believe so, yes.
7 Q At what point did the holster get removed from
8 your body or did you remove it?
9 A After he told me he was taking my gun. And I
10 said, "Well, keep the holster with it," because there's
11 no point in having one without the other. Because when
12 I'd go pick up the gun, I'm going to need the holster
13 back too.
14 Q I noticed in your complaint -- and I'm referring
15 to paragraph 37. You're free to -- you're welcome to
16 look at it. It's right here.
17 A Oh, good.
18 Q You don't have to but you're welcome to look at
19 it. It's on page 7, at the very top of the page. It
20 states, "Hemp and marijuana both derive from the plant
21 genus Cannabis. Both have almost identical appearances
22 and smells." That is what your complaint states,
23 correct?
24 A Yes, sir.
25 Q Do you agree with that statement?

Page 25

1 A Yes, sir.
2 Q How would you suspect that a police officer is
3 going to be able to tell the difference between hemp and
4 marijuana under those circumstances?
5 A I'm certain that Officer Bryant told me that he
6 could smell the difference between hemp and marijuana.
7 However, there is no way to tell, other than a liquid
8 chromatography test, usually. I mean, obviously you
9 could smoke it, but that's not conclusive.
10 Q So in your opinion, the appearance and smell of
11 hemp is identical to marijuana?
12 A Identical and the terpenes are what make it smell,
13 and they have absolutely nothing to do with CBD or THC.
14 You can buy terpenes online. And they're completely
15 legal, and they will for sure make a drug dog hit on
16 whatever you put them on.
17 Q You mention the drug dog. Are you -- and this may
18 sound like a silly question. But are you personally
19 aware of how drug dogs are trained and what
20 qualifications they have to have? Other than obviously
21 they're supposed to be able to smell drugs.
22 A Right. Well, interesting, when they called the
23 dog and he showed up, they informed me that he was the
24 first dog in Chattanooga not trained to smell cannabis.
25 I was, like, so why did you bring it to a weed stop?

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1 But I'm not sure the specifics of the training
2 they undergo. I never thought there was much real
3 science behind it.
4 Q Okay. Your complaint, in paragraph 42, mentions a
5 Tennessee Bureau of Investigation memo dated August 26,
6 2019.
7 (Off-the-record discussion.)
8 BY MR. TIDWELL:
9 Q Let me ask you -- I was just seeing if we had a
10 copy of it.
11 Do you recall this Tennessee Bureau of
12 Investigation memorandum talking about the difficulty in
13 differentiating between hemp and marijuana and the
14 extreme laboratory cost involved in differentiating the
15 two products? Do you recall that?
16 A I never saw the memo itself but I -- we definitely
17 felt it reverberate throughout the community, the
18 cannabis community, because it was kind of like, "yay."
19 Q Well, I've seen the memo. I'm just wondering, had
20 you seen it prior to this stop on December 18, 2022?
21 A I never laid eyes on the memo but, like I said,
22 the community was all buzzing about what it meant. So, I
23 was aware of the implications.
24 Q Okay. Have you since seen the memo since the
25 stop?

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1 A No, sir.
2 Q Your attorney was kind enough to provide us with a
3 copy of it, and I have actually read it. And if you want
4 to, we can produce a copy for you to look it. It's your
5 call.
6 A I'm okay.
7 Q Okay. I've read it and I understand what you're
8 saying. So you're telling me that in the hemp
9 community -- what you mean by that is people that
10 produce, broker and retail it?
11 A It was a big deal.
12 Q Okay. And can you maybe give me a little
13 specifics about that?
14 A Well, it's the first time that the TBI said they
15 weren't going to prosecute people for misdemeanor weed
16 possession, based on the laboratory cost and how
17 expensive it was to test, and how far backlogged they
18 were on testing already.
19 Q It's my understanding, from what I read, that they
20 don't even have the equipment to differentiate between
21 hemp and marijuana. Is that your understanding of it?
22 A Not anymore. I think, I think technology has come
23 a long way in the last few years, and it's become more
24 readily available, the liquid chromatography tests. But
25 still, those involve heat, and heat is what converts the

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1 legal thing into the illegal thing.
2 Q Well, that was the next question I was going to
3 ask. If I understand correctly, you have to burn it or
4 heat it up to tell the difference, correct?
5 A It's a process called decarboxylation. Yeah. So,
6 temperatures over 140 degrees for any amount of time can
7 convert THCA into delta 9 THC.
8 Q Well, what I've read -- and I have talked to some
9 people in the industry, as well as lawyers who have dealt
10 with these cases. They consider it technically
11 impossible to tell the difference, utilizing the testing
12 procedures they have. Would you agree with that?
13 A I would say there's no way to tell if it was legal
14 before they tested it, because the test itself makes it
15 illegal.
16 Q That's what I was trying to get at.
17 A Yes, sir.
18 Q Is that -- that's your understanding?
19 A Yes, sir.
20 Q I noticed recently in the press that the
21 Department of Agriculture issued what are called
22 emergency regulations two days before the deadline ran,
23 that were supposed to be the regulation deadline. What
24 impact is that having in the hemp industry?
25 A Well, they've got the emergency -- nobody knows

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1 anything, you know. It's hard to say what's what.
2 Because they've got the Department of Agriculture and the
3 Department of Revenue supposed to be regulating us, but
4 even they don't understand the science behind it, you
5 know. So, it -- pardon my language, but it's become a
6 cluster fuck.
7 Q Well, that's okay. I read that with great
8 interest because I'd done research on this when I first
9 got this case. And if I understand correctly, what
10 they're trying to do is take delta 9 and THCA off the
11 shelves. Is that fair?
12 A Well, they're trying to take THCA off, yes. But
13 delta 9 can still exist in edibles in concentrations
14 lower than point three percent by dry weight. So the
15 heavier the treat, the more delta 9 they can put in it.
16 Q Okay. So that's your -- I didn't realize that.
17 So that's the way that's going to work, correct?
18 A Yeah. And as it stands now, THCA is subject to an
19 additional six percent privilege tax. But I guess
20 they're trying to eliminate it in December.
21 Q I read an article in the Chattanooga Times-Free
22 Press and saw a quote from the man who owns the Hemp
23 Houses --
24 A Uh-huh. Dwayne.
25 Q Yeah. He said -- well, I live in North

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1 Chattanooga, so I ride my bike by the Hemp House --
2 A On Tremont.
3 Q -- approximately three times a week. Yeah. And
4 you can't miss it, because the smell of hemp at 7 a.m. in
5 the morning when they're not open is so strong that you
6 can't miss it. And I'm 200 feet away from it as I go 30
7 miles an hour --
8 A It could be --
9 Q -- on a bicycle ride.
10 A -- the neighbors too.
11 Q Well, it could be. And I wouldn't put that past
12 Tremont Street. But I think that early in the morning
13 it's probably their storehouse or whatever they use.
14 But I mention that to say that I saw him say in
15 the paper that 90 percent of his product sales are THCA
16 and delta 9. Is that probably consistent in the
17 industry?
18 A I'd say ours are maybe 50.
19 Q Okay.
20 A 50 to 60.
21 Q Do you think the Department of Agriculture is
22 trying to put you out of business?
23 A Feels that way.
24 Q I may've gotten a little afield of what we were
25 talking about, but I thought I would ask you those

Page 31

1 questions. Because it seems to be a very evolving
2 industry.
3 A It is.
4 Q Okay. I referred to the memo. We won't make that
5 an exhibit, unless somebody else wants to. We can get a
6 copy if anybody wants it.
7 At what point did Tiffany Harris get searched
8 during this stop?
9 A After -- well, I mean, I guess toward the end of
10 them searching my car, they got her bag out of my
11 passenger seat and then searched it.
12 Q Okay. The police sent a substance in her purse
13 off to the TBI crime lab because they suspected it was
14 meth.
15 A That's true.
16 Q Have you seen the TBI report on the testing?
17 A Yes. I think so.
18 Q I think --
19 A Is it in this?
20 Q It should be.
21 A With the little squiggles on it?
22 Q Yeah. I didn't hand that to your lawyer, so I'm
23 going to -- that's it.
24 MR. TIDWELL: What I'm going to do is ask if
25 we can mark this as a collective. This is all the

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1 reports we got from TBI, okay, for everything that was
2 sent to them. Is it okay if we make that a collective?
3 MR. YANEZ: No objection.
4 THE WITNESS: What does that mean?
5 ([Exhibit 4](#) was marked.)
6 BY MR. TIDWELL:
7 Q A collective exhibit is multiple pages of
8 something. It may not be all exactly alike. And by that
9 I mean this is the report for both the methamphetamines
10 sent up, as well as the edibles and things that were
11 taken out of your car. Okay?
12 A Yes, sir.
13 Q Are you aware that the TBI found that there was
14 approximately point eight grams of meth in that
15 container?
16 A Yes, sir.
17 Q Did you know Ms. Harris used meth?
18 A Absolutely not.
19 Q Okay. So that was a surprise that day?
20 A Yes, sir. And that's why we are no longer
21 together.
22 Q Not asking your personal life, but did you -- so
23 you didn't know she had meth in her purse that day,
24 correct?
25 A Right. Correct.

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1 Q Did she work at your store at the time of her
2 arrest?
3 A Yes, sir.
4 Q Okay. Does she still work there?
5 A Yes, sir.
6 Q Okay.
7 A She's a part owner.
8 Q Oh, okay. I'm going to ask you about the
9 ownership in a minute. But that's helpful. Thank you.
10 MR. TIDWELL: If we could go ahead and mark
11 this the next exhibit.
12 ([Exhibit 5](#) was marked.)
13 BY MR. TIDWELL:
14 Q This is the arrest warrant for Tiffany Harris. I
15 don't know if you've ever seen it or not.
16 A I have not.
17 Q Okay. Did you go to court with her on this case?
18 A Yes, sir.
19 Q Do you know what happened to the case?
20 A It was dismissed.
21 Q Do you know why it was dismissed?
22 A Because the stop was unconstitutional.
23 Q Is that what the district attorney said?
24 A I'm not sure.
25 Q Was she --

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1 A My speculation.
2 Q Oh, okay. Was she represented by an attorney?
3 A Yes, sir.
4 Q Do you remember the name?
5 A Mr. Pinkston.
6 Q So he's going to know.
7 Did she have her record expunged, or do you know?
8 That means wiped out.
9 A I'm not sure.
10 Q The hemp products that were seized from your car,
11 where were they located in your car?
12 A The CBG distillate -- or isolate was in my center
13 console.
14 Q Tell me what that is.
15 A CBG?
16 Q Yeah.
17 A It's the precursor to THC or CBD. It's been shown
18 to have some of the same properties in stem cells, and it
19 can help regenerate growth of cells, muscle tissue and
20 stuff. It's -- I mean, it's not an intoxicant. You
21 could've ate all 40 grams of it and not felt any kind of
22 head change.
23 Q What form does it come in?
24 A A powder.
25 Q Okay.

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1 A Or a -- it's comes in crystal too.
2 Q And that was in your console?
3 A Center console, yes, sir. I think it was a sample
4 from a distributor.
5 Q What else was found in your car, to your
6 recollection?
7 A A Ziploc bag of 6 milligram delta 9 gummies that
8 were pulled from my backpack in my trunk. And they'd
9 been there since I was on vacation, like a month prior.
10 Q Do you know how these were packaged?
11 A In a Ziploc bag.
12 Q Anything else seized from your car, that you
13 recall?
14 A No, sir.
15 Q Okay.
16 A It says THC oil here, but I'm not sure what he
17 means.
18 Q That's just the report they sent us.
19 A Sure.
20 Q Did you have any THC oil in your car, to your
21 knowledge, that day?
22 A No, sir.
23 Q Did you see the police officers put -- usually
24 they set it on the hood of the car when they take it. Is
25 that where they sat the gummies and the, what do call it,

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1 CBG?
2 A Yes, sir.
3 Q Did you see him set any hemp oil there?
4 A They -- it doesn't distinguish what came from
5 where here. So, she could've had some cartridges in her
6 purse and they could've taken those.
7 Q Talking about Tiffany Harris?
8 A Yes, sir.
9 Q Oh. So that would possibly be vape cartridges?
10 A Yes, sir. I think. I mean, who knows.
11 Q Forgive me, some of these -- I'm asking these
12 questions because I honestly don't know the answers.
13 A Of course.
14 Q Some of these I might have an idea.
15 A Right.
16 Q But are cartridges containing some sort of CBD
17 product sold commonly in hemp stores?
18 A Yes, sir. As well as THC. So, delta 8 THC is an
19 alternative molecule to delta 9, and delta 9 is the
20 illegal one. Delta 8 is completely legal. You can put
21 it higher than concentrations point three. So, you can
22 put delta 8 THC in cartridges and it be perfectly legal.
23 Q It would appear from these reports that the TBI
24 sent us that they did not open the packages that
25 contained CBD products or CBG products. So those were

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1 not tested.
2 A Or THC products, right?
3 Q Yeah. Or THC products. I may not know the full
4 range of the terminology, so you feel free to interject.
5 A I'll do my best.
6 Q That would seem consistent with the memo that the
7 TBI issued in 2019, correct?
8 A It would indeed.
9 MR. TIDWELL: I have looked, and I'll be
10 honest with you, I think I came in here without these.
11 Can we go off the record for a minute?
12 (Recess from 9:38 to 9:46.)
13 BY MR. TIDWELL:
14 Q I stopped because I wanted to pull something that
15 I had staff look at yesterday.
16 It's my understanding, when the law in Tennessee
17 was passed, I think it's dated April 4, 2019, which set
18 up the allowance of selling hemp -- and I think it mimics
19 the federal law -- is that about the time you recall that
20 happening?
21 A Yes, sir.
22 Q That statute --
23 A Wait. 2019 or '18?
24 Q I have 2019 as the date. TCA 43-27-101 through
25 108 is what I'm referring to. I don't know if you know

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1 the statute number.
2 A I absolutely don't. Well, the company started in
3 January of '19, which is why that feels weird.
4 Q Well, this may be -- let me go a little further.
5 It's my understanding that there are state laws on how
6 you have to package hemp products.
7 A Now there are, yes.
8 Q When is your understanding of when that started?
9 A When they did the emergency rules.
10 Q That did not start with the original statutes in
11 2019?
12 A Not to my knowledge.
13 Q What about the rules on transporting it?
14 A Also -- only if it's rooted hemp. If it's rooted
15 you had to have a permit for it, a movement permit; but
16 otherwise, it was --
17 Q What is rooted hemp?
18 A Like a plant with roots.
19 Q So rooted hemp would be necessary to have a
20 certain --
21 A Permit.
22 Q -- rules permit to transport it, correct?
23 A Up until the emergency rules, the Department of
24 Agriculture only really regulated growers, not retailers.
25 Q So, what rules were there, if any, on retailers

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1 prior to the emergency rules on how to package the hemp
2 products?
3 A There were none.
4 Q There were none. What were the rules on
5 transporting those items from the processors, if you
6 will? I'm talking about the people that turn it into the
7 product that's sold by the retailers; is that fair?
8 A There was none.
9 Q There were none.
10 A To my knowledge.
11 Q Okay. So, the 2019 statute, to the extent it
12 refers to these things, it didn't apply to retailers, is
13 your understanding, correct?
14 A Yes, sir. Correct.
15 Q Okay. So the date in question here, December 18,
16 2022, there would've been no rule, your understanding is
17 there was no rule requiring that the hemp products be in
18 a package?
19 A Correct.
20 Q Now there is. Am I correct?
21 A Yes.
22 Q I may ask you a little bit more about that in a
23 minute. Do you dispute that Officer Bryant and/or
24 Officer Serret could smell hemp coming from your car or
25 around your car?

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1 A I do dispute that.
2 Q The drug dog clearly did not hit on the car. Is
3 that --
4 A Correct.
5 Q -- your understanding?
6 A Yes, sir.
7 Q During the time your car was being searched were
8 you handcuffed?
9 A No, sir.
10 Q I didn't see it on the video.
11 A I wasn't.
12 Q Was Ms. Harris handcuffed prior to her search --
13 A No, sir.
14 Q -- the search of her purse?
15 A No, sir.
16 Q Was she handcuffed after she was charged?
17 A Yes, sir.
18 Q And transported in a car to the jail?
19 A Yes, sir.
20 Q Okay. Tell me -- you told me what the pistol was,
21 the make and caliber. What is the cost or value of that
22 pistol?
23 A Four hundred dollars.
24 Q Okay. And the cost or value of the holster?
25 A Twenty-five dollars.

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1 Q Okay. You went to be booked at Silverdale, I
2 think it was. Or was it the county jail?
3 A I went -- yeah, I went to Silverdale. Thirty days
4 after he gave me the citation for unlawful possession of
5 a firearm?
6 Q Yes.
7 A Because I was supposed to turn myself in and get
8 booked and photographed and all that junk, and the lady
9 said that she couldn't find anything about it.
10 Q Okay. So you were written a citation, not
11 arrested, correct?
12 A Right. I mean if you qualify that as a citation,
13 yes.
14 Q Well, you were written a citation, not handcuffed
15 and taken to jail --
16 A Right. Right.
17 Q -- correct?
18 A Yes, sir.
19 Q And you were ordered to go be booked later,
20 correct?
21 A Yes, sir.
22 Q And when you got there there was no citation on
23 file?
24 A Correct.
25 Q Do you have any idea why that was?

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1 A Probably -- my suspicion is that he got back to
2 the precinct, or wherever he went, and his colleagues
3 told him that he messed up, that he should not have done
4 that, and so he just threw it away. But I'm not sure. I
5 don't know why you would fail to follow due process.
6 Q Okay. Have you ever in your life experienced or
7 heard of people appearing in jail to be booked and there
8 not be a citation there?
9 A No. That's like the opposite of what you expect.
10 Q Well, I mean, in your business experience -- and
11 you've owned a business now since 2019, correct?
12 A Yes, sir.
13 Q Has anybody in your business ever lost paperwork?
14 A No.
15 Q Has anybody in your business ever failed to put
16 paperwork in the file it goes in or put it in the proper
17 place?
18 A Not to my knowledge.
19 Q Well, how do you store records at your business?
20 Do you --
21 A Digitally.
22 Q Digitally? Okay. Has anybody failed to put it in
23 the right file, in the digital files?
24 A No. We just put it in the email.
25 Q Nobody's ever made a mistake?

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1 A Yeah, they -- people make mistakes, but I mean,
2 not when they're constitutionally obligated.
3 Q Did you incur costs for attorney's fees as a
4 result of your arrest? I'm not talking about the
5 lawsuit, I'm talking about your arrest -- I'm sorry, your
6 citation.
7 A I paid for Mr. Pinkston's services for Tiffany.
8 Q What was the cost of that, if you recall? It's
9 okay. I can get it from you later. I don't want you to
10 get -- you can't get answers from other people. You
11 understand that?
12 A Uh-huh.
13 Q You're not even supposed to talk about your
14 testimony in breaks. Do you understand that?
15 A Yes, sir. I do now.
16 Q Well, I may've failed to mention it.
17 Do you have -- what I'm trying to get at is, I
18 mean, you didn't have any bail expense because you
19 weren't arrested. So did you have an expense paying for
20 legal services to you as a result of this citation?
21 A No, sir.
22 Q Do you have any other cost or expenses related to
23 this citation?
24 A You mean financially?
25 Q Yes.

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1 A No, sir.
2 Q You recovered your pistol; is that correct?
3 A After several months yes.
4 Q How did you recover your pistol?
5 A Mr. Pinkston told me to go pick it up.
6 Q And did you personally pick it up at the --
7 A I did.
8 Q -- Chattanooga police property room?
9 A Yes, sir.
10 Q Did anybody go with you?
11 A No, sir.
12 Q Did you have any paperwork that said release it to
13 you?
14 A No, sir.
15 Q Do you know how Mr. Pinkston got them to release
16 it to you?
17 A No, sir.
18 Q Okay. When you appeared, do you recall, did you
19 identify yourself and say you were there to get your
20 pistol?
21 A I did.
22 Q Okay. And did they produce it for you?
23 A Not immediately. If I recall correctly, I had to
24 call Mr. Pinkston and get him to, you know, further them
25 along in the pursuit of my property.

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1 Q Okay.
2 A But eventually they did give it to me. Minus the
3 holster.
4 Q Why did you not get the holster?
5 A They said they never got a holster.
6 Q Okay. So you asked for it, correct?
7 A Yes, sir.
8 Q Okay. We may have some information about that
9 we'll reveal to you on the break.
10 A That'd be cool.
11 Q I think the whole holster may be there. Don't
12 know. I'll have to verify that.
13 The product that you had seized from you, did you
14 ask them to return that?
15 A I did not.
16 Q Okay. Do you know if anybody has ever asked them
17 to return that?
18 A I'm certain Mr. Pinkston did.
19 Q Okay. But do you know? I mean, do you have an
20 email from him or some documentation?
21 A No, sir. No evidence, no.
22 Q I want to ask you some questions about Greenwell
23 LLC. I understand you do business as the Happy Hemp
24 Pharmacy, correct?
25 A Correct.

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1 Q And that's spelled F-a-r-m-a-c-y, correct?

2 A Yes, sir.

3 Q When was this LLC formed?

4 A Greenwell LLC?

5 Q Yeah.

6 A April 22, 2022. We bought my partners out. We

7 started with a different group of people. It was just

8 the grower in 2019. And then they voted to dissolve

9 during COVID and we bought them out.

10 Q Okay. Let me go back to 2019. What was the LLC

11 called then?

12 A Pharmacy Fresh. But with an F.

13 Q So, Pharmacy Fresh was formed as an LLC in 2019?

14 A Yes, sir.

15 Q Who were the members?

16 A Jonathan Cisco, Joshua Cisco, Dominic Ratliff, and

17 myself.

18 Q Do you recall the percentage ownership that each

19 person had in the LLC?

20 A Twenty-five.

21 Q Twenty-five each, right?

22 A Yes, sir.

23 Q What was the role of Jonathan Cisco an Pharmacy

24 Fresh LLC?

25 A He was the president.

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1 Q What did he actually do?

2 A He had a business degree from UT. So, he did like

3 the social media, the marketing, the label and stuff.

4 Things of that nature.

5 Q What about Joshua Cisco, what was his role?

6 A He had a chemical engineering degree from MTSU.

7 So, he was the formulator.

8 Q What is a formulator?

9 A Someone who compounds the products, like topical

10 products. We make lotions and tinctures and stuff. He

11 mixed it up.

12 Q Any other product he actually prepares?

13 A So, full spectrum: Tinctures, 1, 2 and 3; 500,

14 1000 milligram, and 1500 milligram. Same for -- full

15 spectrum and broad spectrum have those three dosages, and

16 the topicals. So, like, a lotion and a massage oil and a

17 balm.

18 Q So, you would actually mix or produce those

19 yourself --

20 A Not the --

21 Q -- at your pharmacy?

22 A Not at the time. Not in 2019, no. I was just the

23 grower.

24 Q No, I'm not talking about -- I'm sorry. That was

25 a bad question.

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1 The LLC actually produced the lotions and

2 topicals.

3 A Correct.

4 Q Using products they bought from growers, I assume?

5 A Right.

6 Q I've heard the term "hemp broker."

7 A That's what I was about to say. Usually your raw

8 materials come from brokers.

9 Q Okay. So help me with the chain here. You have

10 growers, correct?

11 A Correct.

12 Q Is the broker the next person in the chain of

13 distribution?

14 A No, sir.

15 Q Who is?

16 A The processor.

17 Q The processor. What does the processor do?

18 A The processor uses a number of methods, one of a

19 number of methods to extract the active materials from

20 the plant material. So if you've got a plant that's 15

21 percent something -- we'll say CBD, the processor just

22 removes everything that's not that 15 percent. Like a

23 refinement process.

24 Q And then the next person in the chain of

25 distribution?

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1 A Is either the broker or the product manufacturer,

2 depending on the processor.

3 Q Well, tell me what a broker does.

4 A Really they just know people with supply and know

5 people with demand, and they link those two up for a fee.

6 Q A middleman.

7 A Right.

8 Q And you mentioned another person, I forgot the

9 name, after broker -- or possibly in place of a broker.

10 A The manufacturer?

11 Q Yeah.

12 A The product manufacturer is somebody who mixes

13 things together.

14 Q And when you say "mixes things together," you're

15 talking about like CBD oil, for example?

16 A Right.

17 Q Does that include the vape oil when it's vaped?

18 A It does.

19 Q Okay. Does that include the -- you said tinctures

20 and balms and lotions?

21 A Topicals.

22 Q Topicals. Is that what those are called?

23 A Yes, sir.

24 Q What about just the raw hemp that's smoked? Does

25 that require any processor to work on it or anything like

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1 that, or is it just taken straight from the grower?
2 A From the grower -- yeah, it can go straight from
3 the grower to the consumer if it's smokable.
4 Q I mean, it'd be through the retailer, though,
5 correct?
6 A Typically.
7 Q I may've gotten out of line here. We've got the
8 manufacturer. Who's after the manufacturer?
9 A The manufacturer of?
10 Q The product. Who's after that? Is that the
11 retailer?
12 A Yes.
13 Q Okay.
14 A Or the consumer, depending on the manufacturer.
15 Q So, if a manufacturer has a retail store, they can
16 sell directly to consumers, correct?
17 A Yes, sir.
18 Q But they do have to have a license to sell it,
19 right?
20 A I think they're implementing that now, but it's a
21 very new thing.
22 Q So prior to --
23 A There was basically no regulation on it at all.
24 MR. PINKSTON: In our request for production
25 we gave a copy of the sample application that's going to

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1 be required in the future for someone in his position.
2 Q So, tell me about Farmacy Fresh LLC. Were they
3 all of these, a grower all the way to the retail outlet?
4 A We were.
5 Q So you were the grower, correct?
6 A Yes, sir.
7 Q And Joshua Cisco was the person who more or
8 less --
9 A The lab guy.
10 Q Lab guy. That's a good way to put it. What did
11 Jonathan Ratcliff do for Farmacy Fresh LLC?
12 A Dominic? His name is Dominic.
13 Q Dominic. I'm sorry.
14 A Dominic Ratliff. He was also a grower and kind of
15 second in command with the plants.
16 Q When you say you and Dominic were growers, did you
17 have like acreage you rented or owned and grew it?
18 A We had some outdoor stuff in different places
19 based on JP's connections, Jonathan Cisco. His middle
20 name starts with a P, I guess, so we call him JP.
21 In 2019 we were on Big Ridge, and then in 2020 we
22 were in Cleveland with outdoor production, but we had a
23 warehouse as well where we grew indoors.
24 Q At that time what had to be done, if anything,
25 with the State to be authorized to grow?

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1 A You had to submit an application with the
2 Department of Agriculture, with your acreage projections
3 and like a satellite photograph of the grow area and
4 \$250.
5 Q Did any of these other processes require a license
6 from the State, or was it just the grower?
7 A I mean, other than a business license.
8 Q I'm talking about a hemp license.
9 A Like specifically a hemp license? No, sir.
10 Q So only -- in 2019, I guess until 2024, it's your
11 understanding only the growers had to be licensed,
12 correct?
13 A Correct.
14 Q So the retailers, other than having a business
15 license, literally didn't have any other regulations to
16 comply with?
17 A Correct.
18 Q Okay. And you told me in 2022 y'all dissolved
19 Farmacy Fresh LLC and formed Greenwell LLC, correct?
20 A Correct. So, Farmacy Fresh voted three to one to
21 dissolve in August of '21. And then JP tried to sell the
22 business for as much as he could get for it to other
23 people, and when he couldn't do that he sold it to me.
24 Q Okay.
25 A In April of '22.

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1 Q What was the reason for the dissolution? You
2 mentioned COVID, but I don't know...
3 A I don't think we were as profitable as quickly as
4 JP would've liked. Because I think he thought he was
5 just going to break into this emerging market and be a
6 millionaire overnight, or something. I'm not, I'm not
7 really sure.
8 Q So you bought the business from him, correct?
9 A Yes.
10 Q Did you buy everybody out?
11 A Yes, sir. So, technically I bought it from us.
12 Q You mean bought it from yourself too?
13 A I got some of my money back, because I owned part
14 of the entity that sold the company, as well as the
15 entity that bought it.
16 Q Okay. Who is presently a member of Greenwell LLC?
17 A Myself, Tiffany Harris, and my granny and my
18 gramps.
19 Q I'm sorry, your --
20 A My grandmother and my grandfather.
21 Q Oh, okay.
22 A Yes, sir.
23 Q What are their names?
24 A Richard and Carol Prather.
25 Q And what are their ownership interests?

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1 A You mean percentages?
2 Q Yeah.
3 A I think they've got 25 percent each.
4 Q And what is your percentage ownership?
5 A Thirty-five percent.
6 Q And that would leave Tiffany Harris 15 percent?
7 A Yes, sir.
8 Q Okay.
9 A We were all 25, 25, you know, but we've switched
10 it up a little.
11 Q Who prepared the documents for the Secretary of
12 State's Office for Greenwell LLC?
13 A My grandmother.
14 Q Okay. You didn't utilize an attorney then?
15 A No, sir.
16 Q Do you have an operating agreement for Greenwell
17 LLC?
18 A Yes.
19 Q I would like to ask your lawyer to talk to you
20 about that and submit that as a late-filed exhibit,
21 whatever the next one is.
22 (Exhibit 6, late filed, will be current
23 operating agreement for Greenwell LLC.)
24 BY MR. TIDWELL:
25 Q And what I'm talking about is the current

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1 operating, whatever it is.
2 Do you know if it's been changed since the
3 formation in 2022, the operating agreement?
4 A I don't think it has.
5 Q Have you ever owned any other LLCs or corporations
6 in the past, prior to these?
7 A No, sir.
8 Q Regarding my understanding of current law, the HDC
9 products, as they call them, require a retailer to
10 undergo two levels of product testing: a full panel
11 testing and a potency testing; is that correct?
12 A Not until December.
13 Q Well, that's what I mean. I'm sorry. The ones
14 that just got put into place to take effect in December.
15 A Right.
16 Q What is a full panel testing?
17 A Five hundred dollars.
18 Q Well, I mean, do you know what's done, is what I'm
19 talking about.
20 A I'm just kidding. They test for residual
21 pesticides and heavy metals and microbials and all that
22 good stuff.
23 Q Okay.
24 A So it's not just about the cannabinoid content of
25 the material but also the potential harmful elements that

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1 could otherwise be overlooked.
2 Q This has never been required before, is my
3 understanding.
4 A Correct.
5 Q Then the potency testing, I guess, is
6 self-explanatory, but that's to determine if in fact the
7 product is below the required percentage of THC in it?
8 A To determine the legality, yes.
9 Q And that percentage is point three of one percent?
10 It has to be below that?
11 A Below point three percent by dry weight.
12 Q By dry weight. And this is -- what they're
13 testing for is THC; is that correct?
14 A Delta 9 THC.
15 Q Delta 9 THC. So the difference is, delta 9 THC is
16 different than delta 8 THC?
17 A And delta 10 and THCP, THCV. There's a bunch of
18 them.
19 Q Well, what makes a delta 9 THC so different?
20 What's the difference between it and the others?
21 A It's the original. It's like -- the other two or
22 three are synthetic. They manufacture delta 8 by using
23 CBD isolate, which is like 99.9 percent pure CBD, and
24 they convert it with some acids in a short path
25 distillation and they turn it into delta 8.

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1 Q Are there laboratories in this area that can do
2 this potency testing?
3 A Yes, sir.
4 Q Do you --
5 A I know -- I only know of one. New Bloom Labs.
6 Q Is that here in Hamilton County?
7 A Yes, sir. It's on Bonny Oaks.
8 Q I think I've heard of it. What's the owner's
9 name?
10 A John Kerns.
11 Q Can he also do the full panel test?
12 A Yes, sir.
13 Q And the cost -- do they test everything? How much
14 do they test as a product?
15 A What do you mean?
16 Q I mean, how do they pick a sample to test?
17 A You send it to them.
18 Q So you just send them a sample? You don't send
19 them, like, two pounds, right?
20 A No, no. Of course not. I think the minimum is
21 like three grams of material.
22 Q And so they can do both full panel and potency
23 testing at New Bloom Labs? Is that what it's called?
24 A Yes, sir.
25 Q Okay. And the agriculture department has a

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1 website, supposedly, that lists qualified testing
2 laboratories, correct?
3 A Yes, sir.
4 Q What is the cost of this full panel testing and
5 potency testing?
6 A Well, the potency test is \$65, but the full panel
7 test is like \$575.
8 Q Okay.
9 A So that would effectively make all of our testing
10 costs go up by a lot.
11 Q Has the potency testing been required prior to
12 these emergency regulations --
13 A No, sir.
14 Q -- beginning this year?
15 A No, sir.
16 Q So prior to this there was no -- the State wasn't
17 even determining if the products were actually complying
18 with the law?
19 A Correct.
20 Q The new rules appear to also affect the
21 transportation of these products. I believe it requires
22 documentation to be with the product, showing that they
23 were state -- approved state hemp plant from the
24 Department of Agriculture. Is that your understanding?
25 A Yes, sir.

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1 Q Okay.
2 A But if it's anything like the rooted hemp material
3 permit, it's just set to auto approve. You just submit
4 the information and it immediately gives you the permit.
5 Q So the root hemp licensing for transportation, you
6 just submitted it and they automatically gave it to you?
7 A Uh-huh.
8 Q They didn't require you to show that it'd been
9 tested?
10 A Right.
11 Q Okay.
12 A Well, you can't real test rooted material because
13 there's no buds on them usually.
14 Q Okay.
15 A So they would test at nothing.
16 Q Does the transportation -- the new transportation
17 rules also require that it show that the cannabinoid
18 products do not exceed the limit of point three of one
19 percent?
20 A Delta 9 THC. I'm --
21 Q Yeah. I'm sorry, delta 9 THC.
22 A I'm not sure I understand the question.
23 Q Okay. Do the new transportation rules also
24 require that when it's being transported there be some
25 sort of document with it, like a bill of lading, or some

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1 document showing that it's been tested and it's below the
2 legal limit for THC delta 9?
3 A I don't know for sure, but it sounds right.
4 Q I noted also that these new rules require child
5 restraint packages be used. Is that correct?
6 A Yes, sir.
7 Q Was that required before?
8 A No, sir. But we have been taking steps to
9 transition to child resistant containers for the last
10 year already, because I seen it coming.
11 Q The last thing I noted in the latest statute
12 version and rules that came out this year is that it also
13 states that HDC products not be used in a negligent
14 manner, like while operating vehicles, et cetera. Is
15 that your understanding?
16 A Yes, sir. And we've had warning labels on our
17 stuff the whole time, as per our insurance company.
18 Q What else would your insurance company regulate?
19 A Pretty much just put a warning label on it.
20 Q What type of insurance is this? Is this a
21 commercial general liability policy or is it --
22 A That's a Granny question.
23 Q I just wasn't aware. I mean, I'm familiar -- a
24 commercial general liability policy is what a lot of
25 businesses buy for general liability. Like, we have one

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1 here at my office. Car lots have them, et cetera. Is
2 that the kind of policy you would've bought, or do you
3 know? If you know. Don't tell me if you don't know.
4 A I'm not sure. I know it's expensive.
5 Q CGL policies are very limited expensive.
6 A Yeah.
7 Q That's what it's referred to in the legal
8 industry, is commercial general liability, CGL.
9 A Right, right.
10 Q If you say that to your agent, they'll know.
11 Okay. What type of license is required for the
12 retail business now?
13 A They're still -- it's all very unclear.
14 Q Okay.
15 A Because I like said, there's two regulatory
16 agencies. You've got the Department of Agriculture and
17 the Department of Revenue. Because I've never met the
18 Department of Agriculture rep, but we had a Department of
19 Revenue lady come in a month or two ago. But she didn't
20 know what delta 9 THC was. She's supposed to be
21 regulating it.
22 Q So prior to the new regulations you weren't
23 required to have a license --
24 A Correct.
25 Q -- to be a retailer/seller.

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1 A I mean outside of a business license, of course.
2 Q You can forget about business licenses. I'm not
3 asking you about those. Okay?
4 It's my understanding that the new rules require
5 that you identify the hemp product supplier as part of
6 your license. Is that your understanding?
7 A Yes, sir.
8 Q And that person has to have a valid license from
9 the Department of Agriculture?
10 A Yes, sir.
11 Q Do the new rules -- I'm sorry, go ahead.
12 A I was wondering how that applies to brokers out of
13 state.
14 Q That's a good question. Is it -- that's what I
15 was going to ask next. Do you think that these new rules
16 apply to all levels of the distribution chain, all the
17 way from the grower through the --
18 A I mean, as long as they're in Tennessee, yeah.
19 Q But if they're outside of Tennessee, it may not,
20 correct?
21 A I would say not. I don't know how it could.
22 Q I think it also requires that you show the testing
23 for potency as part of your licensing. Is that your
24 understanding?
25 A Yes, sir.

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1 Q Okay. You've explained the distribution chain to
2 me. I'm assuming that's how you get cannabinoids into
3 your retail store, is through this distribution chain, at
4 whatever level you use it; is that right?
5 A Yes, sir.
6 Q You can't, like, just buy except through that
7 chain, right? It has to come from a legal grower,
8 correct?
9 A I'm not sure I understand the question.
10 Q It has to come from a licensed grower?
11 A Not necessarily. As long as it tests legally.
12 Q Okay. Does your business do any marketing?
13 A A little bit.
14 Q In what form?
15 A We're on the Chattanooga Mocs calendars. So, you
16 know, there's like 20 or 30 different businesses on
17 there. We're on there. We're on golf score cards at the
18 Trenton golf course. But otherwise, we don't -- I mean,
19 word of mouth.
20 Q Do you have a website?
21 A We do.
22 Q Okay. What's the address?
23 A HappyHempFarmacy.com.
24 Q Okay.
25 A And there you can find all of our COAs for our

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1 products and stuff. Like the tests you're talking about,
2 we've got those listed on there.
3 Q Okay. Any other online marketing except for your
4 webpage?
5 A Facebook. TikTok.
6 Q So you have a Facebook page?
7 A We do. Instagram.
8 Q Anything else? I'm sorry. Instagram?
9 A Uh-huh.
10 Q Anything else?
11 A Not right off the top of my head.
12 Q Regarding the products seized from your car, do
13 you know if they had been tested for potency by a
14 laboratory?
15 A They had.
16 Q Okay. So that means they came from your store?
17 A They did.
18 Q I noticed in your interrogatory answers you said
19 something about you made the gummies yourself or
20 something like that.
21 A We do.
22 Q What you're referring to is y'all make them to
23 sell in your store, correct?
24 A Yes, sir.
25 Q You didn't, like, go into your kitchen and make

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1 them up and throw them in this baggie. They came out of
2 your store, correct?
3 A Well, you would still be okay if you did that,
4 based on the cottage law, which says that you can produce
5 prepackaged consumables in your home kitchen and sell
6 them.
7 Q Okay.
8 A Without a license.
9 Q And I assume that products that were taken from
10 your car came from the same source of distribution chain
11 that you use for everything else you sell in your store,
12 correct?
13 A Yes, sir.
14 Q Who is the grower that Greenwell LLC uses?
15 A The grower I'm not sure. We mainly deal in the
16 refined products, you know, like the distillates and
17 isolates. And our raw material broker's name is Jason
18 Price.
19 Q Is he local?
20 A He's not.
21 Q Where is he at?
22 A Wisconsin.
23 Q Okay. And other than you and Tiffany Harris, who
24 fills the role of being the person who actually mixes or
25 makes these products that you sell? Like the --

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1 A My friend David.
2 Q David?
3 A David Flugel.
4 Q Does he work for you?
5 A He does.
6 Q Anybody else?
7 A No, sir.
8 THE REPORTER: F-l-u-g-a-l?
9 THE WITNESS: F-l-u-g-e-l.
10 THE REPORTER: Thanks.
11 BY MR. TIDWELL:
12 Q This may seem obvious, but again I'm asking
13 because I don't know. Legal hemp and legal -- illegal
14 marijuana come from the same basic plant, don't they?
15 A They do.
16 Q That's what I thought.
17 A It's the genetics. Selective breeding over a
18 period of generations to achieve desired cannabinoid
19 contents. Same thing with dogs.
20 Q And the only thing that can tell the difference is
21 the laboratory analysis you've mentioned, correct?
22 A More or less.
23 Q Would you agree that it would be impossible for a
24 police officer on the street to tell the difference --
25 A Yes.

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1 Q -- between hemp and marijuana?
2 A I would.
3 Q I noticed in your complaint, in paragraph 46, you
4 mentioned that the Chattanooga Police Department and
5 Hamilton County police make a lot of stops based on the
6 odor of marijuana.
7 Can you tell me where that information came from
8 that made that allegation? And you're free to look.
9 It's page 8, paragraph 46, at the bottom.
10 A I mean, my personal experience, anecdotal
11 evidence. I mean, we have a retail store that sells the
12 products in question, you know. So my customers tell me
13 sometimes that they get messed with by cops.
14 Q Okay.
15 A One lady almost lost her kids.
16 Q Really?
17 A Uh-huh.
18 Q Let me ask you about paragraph -- starting at
19 paragraph 62. I'm going to ask you about the specific
20 claims you're making in your complaint.
21 And let me say, in fairness some of these may be
22 legally related. So, I'm not trying to ask you for legal
23 opinions as a lawyer, I'm asking you for your opinion.
24 Okay?
25 A Okay.

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1 Q The first claim is a violation of your civil
2 rights to bear arms. Is that related to the seizure of
3 your pistol?
4 A It is.
5 Q If the police have a reasonable suspicion that
6 someone is in possession of illegal substances, they can
7 seize a pistol from you. Are you aware of that?
8 A Yes, sir.
9 Q Is the basis of this claim that you don't feel
10 like they had a basis to claim you had any illegal
11 substances?
12 A Correct. He took my gun and said the words "I'm
13 taking -- I'm keeping your gun because I don't know when
14 the last time you took CBD was." And CBD is not illegal
15 at all. So...
16 Q If they seized what they did not know was legal or
17 illegal hemp products or marijuana, would they not have
18 had a right to seize the pistol?
19 A Because he didn't take me to jail.
20 Q Okay. Let me ask you this: Were the products
21 they seized, were they labeled in any way?
22 A No, sir.
23 Q Just in a baggie, correct? The gummies.
24 A In my trunk.
25 Q In your trunk.

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1 A Right.
2 Q And then the cartridges, were they in a product
3 box or were they labeled in any way?
4 A I have no idea. I didn't even see any cartridges
5 ever.
6 Q Okay.
7 A Like I said, those might've come from her purse.
8 It was never detailed.
9 Q Well, and let me -- this is kind of a hypothetical
10 question. But if you had had -- and just hypothetically,
11 if you had an ounce of actual marijuana in your car and a
12 gun on you, do you agree that they could seize your
13 gun --
14 A Absolutely.
15 Q -- at least temporarily? Okay. So the --
16 A I mean, if I would've had any weed on me, they
17 could've seized my gun, with a good reason.
18 Q So the basis of your Second Amendment right claim
19 is the fact that the pistol was seized. You don't think
20 they had a basis to seize it, correct?
21 A That was evidenced by them not turning the
22 paperwork in.
23 Q So that's another theory you have on that.
24 A (Moving head up and down.)
25 Q Okay. Regarding the next claim, you claim, in

<p style="text-align: right;">Page 70</p> <p>1 paragraph 64, a violation of your civil rights, to be 2 free from illegal search and seizure. And the basis of 3 that claim is? 4 A The fact he profiled me from the gas station. 5 Q You don't think they had probable cause to 6 search -- 7 A Absolutely not. 8 Q -- your car? 9 A No. 10 Q And you don't believe they smelled any marijuana 11 or marijuana-like smells? 12 A I do not believe that. 13 Q And you would not have been smoking hemp in the 14 car before they stopped you, correct? 15 A No, sir. 16 Q And you did not smoke the tobacco vape pen to 17 cover up the smell? 18 A Correct. I was smoking that because I'm addicted 19 to nicotine. 20 Q Paragraph 66 alleges a violation of your rights 21 for deprivation of property without probable cause. 22 Excuse me. I think I've jumped over something. Hang on 23 just a second. Let me go to that paragraph. 24 Paragraph 64 alleges an unreasonable seizure 25 without probable cause. That's very similar to the other</p>	<p style="text-align: right;">Page 72</p> <p>1 A I think they could still see me. 2 Q So it's your proposition that they could see you 3 through the tint and there was no cause for them to pull 4 you over and use the meter? 5 A Correct. 6 Q And you think the meter reading was incorrect? 7 A I do. At least by one percent, which would put me 8 in the clear. 9 Q Okay. 10 A According to the invoice from Evolution Tint and 11 Audio. At the time, I had really long hair and a long 12 beard, and I'm certain that he saw me go into the gas 13 station and was, like, you've got some drugs on you, I'm 14 going to pull you over for window tint. 15 Q So you believe it was your appearance that -- 16 A I do. 17 Q -- caused him to pull you over? 18 A I do. Absolutely. 19 Q Paragraph 68 -- I'm sorry. 66 and 68 allege 20 violations of due process. And let me make sure I'm 21 specific on this. There are two forms of violation of 22 due process. One is called procedural and one is called 23 substantive. Do you know the difference? 24 A No, sir. 25 Q Okay. And I didn't expect you would. Okay? But</p>
<p style="text-align: right;">Page 71</p> <p>1 one. What you're saying is you don't think they had 2 cause to seize the property? 3 A I don't think they had cause to stop me. 4 Q Short of using a tint meter on your car, how can a 5 police officer tell if your tint is too dark, except by 6 eyesight? 7 A I reckon they can't. 8 Q I've had police officers tell me that one of the 9 things they do is, if they can't see through the window 10 and see the people inside, they believe they have cause 11 to stop the car to see if it's illegal tint. 12 A Well, the thing about that is he saw me at the gas 13 station and he saw me get in and out of the car with no 14 issue. 15 Q My question is: Can someone see through the tint 16 in your car and see you in the car -- 17 A Yes. 18 Q -- when they're standing there? 19 A The windshield wasn't tinted, it was the side 20 windows. 21 Q I understand that. It relates to any windows on 22 your car. 23 So, assuming they're not in front of you and can't 24 look through the dash, they have to be able to see you 25 from the side, correct?</p>	<p style="text-align: right;">Page 73</p> <p>1 you do understand that an allegation of violation of due 2 process says the proper process wasn't followed, 3 therefore I was deprived of my property, is -- 4 A Right. 5 Q -- one method. 6 A Is that procedural? 7 Q Procedural, yeah. 8 A Okay. 9 Q You don't think they followed the right procedure? 10 A I know they didn't. 11 Q Can you articulate that any more specifically for 12 me? 13 A I'm not sure what their policy or procedure is, 14 but I don't think if a drug dog fails to hit on the car 15 that you execute a search anyway. I don't think that's 16 how that works. And I also think that if you confiscate 17 someone's property and cite them for something illegal, 18 A, you fill out the detail section on the citation itself 19 and not abbreviate anything, and, B, you turn that 20 paperwork in. 21 Q Okay. The substantive due process claim is one 22 that even lawyers have trouble getting through to 23 determine the true meaning of the law. But basically it 24 is more of an outrageous conduct type claim than 25 anything. And I don't know if you've ever had this</p>

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1 conversation with your lawyer. And I don't want to know
2 because I'm not supposed to ask you about what you talked
3 to your lawyer about. But it's a pretty complex
4 proposition. I'm not going to ask you about that, okay?
5 Because you're not a lawyer. And I'm not trying to be
6 snide or anything here.
7 The conversion claim in paragraph 70, a conversion
8 is basically civil theft, and you're basically alleging
9 that someone took something from you they had no right to
10 take. Can you tell me what it is you're referring to?
11 The gun? The holster? The product? All --
12 A All the above.
13 Q -- of it? Part of it?
14 A Everything.
15 Q You got the gun back, right?
16 A Yes, sir.
17 Q Is that your allegation against Darnell Bryant,
18 that he seized these products -- or these items, I'm
19 sorry, from you and you didn't get them back, and that's
20 your basis for conversion?
21 A Yes, sir. I think so.
22 Q You've alleged intentional infliction of emotional
23 distress. And I'm asking you about that in more
24 specificity. Did you receive any physical injuries on
25 this stop?

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1 A No, sir.
2 Q Could you describe for us your severe emotional
3 injuries or damages that came from this stop and this
4 citation, et cetera?
5 A I felt like my appearance is what constituted the
6 harassment. And although I loved my hair and I miss it,
7 I felt like if I wanted my business to continue forward
8 unobstructed that I would alter my appearance, and I cut
9 my hair off.
10 And at one point during the stop, Bryant
11 approached me and said, out of nowhere, unsolicited -- I
12 was minding my own business, he said "Now, this ain't no
13 ego trip or nothing like that." So, I mean, you know,
14 who the fuck was talking to you? Why bring up your ego
15 if you're not even being talked to? I just felt like he,
16 he was flexing his power on me. He was, like, I can do
17 what I want, I'm a cop, and I'm just going to take your
18 stuff and send you on your way; and if you don't listen
19 to me, then I'll hurt you and arrest you.
20 Because I've been told by police before, you know,
21 get out of the car or I'll break your window and drag you
22 out.
23 And I just -- I felt powerless.
24 Q Well, Darnell Bryant didn't tell you --
25 A Of course.

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1 Q -- he would break your window and drag you out of
2 the car, correct?
3 A No, sir. But I'm saying my past experience with
4 police and this one specific experience with police,
5 typically made me feel powerless and without -- like less
6 than human almost. Because they don't listen to me.
7 They think I'm lying all the time. They're not trying to
8 have a real conversation. They're trying to get me to
9 tell on myself about some shit that I didn't even do.
10 And here we are standing out in the cold, 12:30 at night,
11 wasting everybody's time. It's just not good.
12 Q Did you receive any medical treatment for the
13 injuries, emotional injuries you complain of?
14 A No, sir.
15 Q Did you go see a mental health professional about
16 it?
17 A I don't have insurance. So, no.
18 Q Do you -- well, did you attempt to go to one? Did
19 you call a mental health professional and try --
20 A I did.
21 Q -- to get an appointment?
22 A I did a good bit of research.
23 Q Who did you speak to?
24 A I used BetterHelp. You ever heard of them? It's
25 like --

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1 Q Is it an online service?
2 A It is.
3 Q Did you receive any prescriptions for these
4 emotional injuries?
5 A No, sir.
6 Q The physical manifestation of any emotional
7 injury, did you lose sleep?
8 A Yes, sir. I mean, like, anytime I see a cop I
9 feel like they're going to harass me. I feel like
10 they're going to do what they've been doing my whole life
11 and just overstep their bounds, violate my rights, and do
12 whatever they want.
13 Q Tell me about past experiences with the police
14 where they overstepped their bounds, if you would.
15 A In 2016, I think, I was pulled over for yielding
16 to -- I don't know why he said -- he said he pulled me
17 over for no tag, but I had a drive-out tag in the window.
18 I was represented by Robin Flores at the time. And they
19 searched my car and they found some weed in the trunk.
20 And so they somehow used the weed in the trunk to justify
21 a warrant for my apartment. And they went in there, and
22 my girlfriend at the time had packed all her things for
23 us to move to Michigan. The cops came in there and
24 unpacked all of our shit to search it and then left. I
25 mean, like I said, I beat all those charges because the

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1 stop was unconstitutional. But they've steadily just
2 taken advantage of their positions, with me specifically.
3 Q Okay. Any other specific examples of the police
4 being abusive towards you prior to this incident that you
5 have filed a suit over?
6 A You mean these cops specifically?
7 Q No. Prior to December 18 of 2022, what other
8 examples do you have of police treating you unfairly,
9 besides what you've told me?
10 A I'm not sure. I can't recall any other ones.
11 Q Okay. Regarding physical manifestations of
12 emotional injury, have you lost the enjoyment of your
13 life in any ways because of this?
14 A I would say that I worry about my business a lot
15 more.
16 Q In what way?
17 A I worry that they're going to harass my customers,
18 which has been seen. There's a good one. So they, they
19 haven't just harassed me, the people that shop with me
20 also experience the same things, you know, profiling,
21 harassment, et cetera, confiscation of goods, sometimes
22 criminal charges.
23 Q Do the Chattanooga Police Department ever come
24 inside your store?
25 A No, sir. They sit outside.

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1 Q They sit in the parking lot?
2 A They do.
3 Q In your parking lot?
4 A Yeah. I got a bunch of pictures.
5 Q So you have security cameras outside?
6 A I do.
7 Q Is that where you got the pictures from?
8 A No, sir.
9 Q You took the pictures yourself?
10 A And I instructed my staff that anytime the cops
11 are in the parking lot to document that for our
12 protection.
13 Q Any other physical manifestations of emotional
14 injuries that you haven't mentioned?
15 A The lack of long hair.
16 Q Okay.
17 A I still got it, though.
18 Q Anything else that is a physical manifestation of
19 emotional injury?
20 A No, sir. Not right off the top of my head.
21 Q The law says that to support a claim for
22 intentional infliction of emotional distress there has to
23 be extreme or outrageous conduct by the defendant. What
24 behavior of Bryant's was extreme or outrageous, in your
25 opinion? I'm not asking you a legal opinion, I'm asking

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1 you your opinion.
2 A Well, from the beginning he treated me like he was
3 suspicious of me for something. Right? So, just Bryant,
4 or all of them together?
5 Q I'm just asking about Darnell Bryant. The other
6 attorneys may ask you about their clients.
7 A Oh, okay, okay. The fact that initially -- I
8 mean, right off the bat he said me hitting my nicotine
9 vape was suspicious. It's, like, there's nothing
10 suspicious about that. That's outrageous. I might've
11 used those words.
12 Q Well, when you pull somebody over as a police
13 officer and you see them hiding stuff, do you not think
14 that's --
15 A Hiding stuff?
16 Q -- something that would trigger suspicion? You
17 said he was -- you were secreting it or --
18 A No. I, I hit my vape and he smelled it, and he
19 thought that that smell of my fruity nicotine vape was
20 suspicious.
21 THE REPORTER: He said "hit," not "hid."
22 MR. TIDWELL: Oh, I'm sorry.
23 A Hit.
24 Q I misunderstood you.
25 A I took a puff on it. And he was saying that

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1 because of that, I was suspicious or suspected of
2 something. And I mean, I knew from the beginning that --
3 the fact that he pulled me over after seeing me at the
4 gas station made -- it was obviously profiling.
5 Q Any other examples of Bryant acting in an extreme
6 or outrageous behavior toward you?
7 A Searching the car after the dog didn't hit.
8 That's outrageous.
9 Q Anything else?
10 A Coming up and saying that it's not an ego trip, or
11 anything like -- he was saying "We're not searching your
12 car because of my ego." But it's, like, obviously you
13 are. That was also outrageous to me.
14 Q Anything else?
15 A No, sir.
16 Q What facts do you relate to Bryant that show that
17 he acted with specific intent to cause emotional distress
18 to you?
19 A The fact that even after he -- from the body cam
20 footage, after he realized he'd made a mistake, he
21 pursued it anyway. He didn't stop.
22 Q Anything else?
23 A No, sir.
24 Q What facts, if any, do you think show that Bryant
25 acted with reckless disregard toward causing you

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1 emotional distress?
2 A The same thing.
3 Q Okay.
4 A We can just copy/paste them three things.
5 Q Okay. But that would be the sum of your factual
6 allegations against him for these intentional infliction
7 of emotional distress claims that you've made?
8 A Yes.
9 MR. TIDWELL: If my voice is trailing, I'm
10 sorry. I just noticed it. Am I speaking loud enough for
11 you to hear?
12 THE REPORTER: Yes. You're okay.
13 MR. TIDWELL: Can y'all hear me? My voice
14 trails off sometimes. I think it's age.
15 BY MR. TIDWELL:
16 Q You made a negligence claim in paragraph 76. And
17 negligence is kind of like someone has acted in a way
18 that's not consistent with carefulness, but it's not
19 necessarily intentional.
20 What negligent acts, if any, do you attribute to
21 Officer Bryant?
22 A I mean, the things I said for the other questions,
23 like the profiling part, the suspicion part, I guess. I
24 don't know. Negligence? I don't know.
25 Q Like when you run a red light and hit somebody in

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1 a car, that's an example of negligence.
2 A Right, right.
3 Q But that's not what we're talking about here, I
4 know, but --
5 A Of course. The things he did could have been
6 intentional to cause me harm or they could've been
7 negligent to his obligations.
8 Q Okay.
9 A I guess that...
10 Q Go ahead. I didn't mean to cut you off.
11 A I guess that depends on his intent, but I don't
12 know what that was.
13 MR. TIDWELL: What I'm going to do is to show
14 your client the interrogatory questions and then the
15 answers, because they're on two separate documents. If
16 it's agreeable, I'd like to put it together as a
17 collective instead of separating them. Is that all
18 right?
19 MR. PINKSTON: That's fine.
20 MR. TIDWELL: We have copies for everybody,
21 if you want them.
22 MS. VARNELL: Are they signed now?
23 MR. TIDWELL: This is not the signed version.
24 MR. PINKSTON: Yeah, it is.
25 MR. TIDWELL: It is? Did we substitute it?

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1 Oh, okay.
2 THE REPORTER: Is this off the record?
3 MS. VARNELL: Yes, please.
4 MR. TIDWELL: Yeah, let's go off the record.
5 (10:36 to 10:37 off the record.)
6 ([Exhibit 7](#) was marked.)
7 BY MR. TIDWELL:
8 Q What's been handed to you is [Exhibit 7](#). And what
9 this consists of is the written questions that I sent to
10 your attorney. They're called interrogatories. And then
11 your answers are attached to the back of it. Did you
12 review these and answer these?
13 A I believe so.
14 Q Well, take a look at them and tell me for sure.
15 Okay?
16 A Yes, sir, I did.
17 Q And you signed these documents under oath,
18 correct?
19 A Yes, sir.
20 Q Regarding your answer to interrogatory 6 -- and,
21 pardon me, I'll state the question when I get to it.
22 6 says, "Please produce the front and back color
23 copy of your concealed carry permit for the State of
24 Tennessee."
25 And your answer says, "I am not claiming lost

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1 wages or income at this time." I think that's probably a
2 mistake, is that correct?
3 A Yes, that is a mistake.
4 Q But you are not claiming lost wages or income. Is
5 that true though? Or are you?
6 A It's hard to say. Like, like, I didn't directly
7 obviously lose any money from it, but I think it might
8 have affected my business. Like, people definitely don't
9 want to go to the weed store with cops in the parking
10 lot.
11 Q Do you feel like the police are sitting in your
12 parking lot more since this incident in 2022 in December?
13 A I do.
14 Q Okay. Do you have photographic evidence of that?
15 A Yes.
16 Q Would you get with your attorney and produce that
17 photographic evidence? And let's make it late-filed
18 [Exhibit 8](#).
19 THE WITNESS: (To Mr. Pinkston) You got them
20 on your phone?
21 MR. PINKSTON: Don't worry about it right
22 now.
23 THE WITNESS: Okay.
24 MR. TIDWELL: You don't have to look it up
25 now. I'm just asking if you'll produce it through your

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1 lawyer later.
2 THE WITNESS: For sure. Yes, sir.
3 ([Exhibit 8](#), late filed, will be photographic
4 evidence of police in parking at Happy Hemp.)
5 BY MR. TIDWELL:
6 Q And I just want to be sure I'm correct. The
7 answer to 7 appears to maybe be a mistake too. The 7
8 question is: "Please produce any and all documents
9 referenced in your responses to Officer Bryant's First
10 Set of Interrogatories."
11 And it just says, "I am claiming any such loss at
12 this time." That's probably an error, isn't it?
13 A I'm not sure. So when you said interrogatory 6 --
14 I think --
15 MS. VARNELL: You're reading --
16 MR. TIDWELL: Am I looking at the wrong
17 thing?
18 THE WITNESS: Yeah, I believe so.
19 MR. YANEZ: You may be reading the RFP.
20 MR. TIDWELL: Oh, shoot. I'm sorry. They
21 were put in here in the wrong order. I'm sorry. That's
22 my fault.
23 THE WITNESS: So is that going to mess up --
24 MR. TIDWELL: Let me --
25 THE WITNESS: -- the exhibit?

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1 MR. TIDWELL: Let me pull back and find my
2 interrogatories.
3 It appears, Brandon, that I -- off the
4 record.
5 (10:40 to 10:41 off the record.)
6 MR. TIDWELL: Let me correct for the record.
7 I'd asked Mr. Shipley about interrogatory 6, and I was
8 looking at the wrong document.
9 BY MR. TIDWELL:
10 Q Interrogatory number 6 says, "If you are claiming
11 lost wages or income as a result of this incident, please
12 state the number of days you missed from work or income
13 opportunity and the total amount of lost wages or income
14 you claim, including an explanation of how you arrived at
15 that figure."
16 And your answer was, "I am not claiming lost wages
17 or income at this time." Correct?
18 A Correct.
19 Q And you then went on, I think, when I asked you
20 about that, to say that you may be later; is that right?
21 A Correct.
22 Q When do you think you'll have a calculation of
23 lost income for us?
24 A I could, theoretically, have it by the end of the
25 week.

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1 Q Well, I'm not trying to put a deadline on you, but
2 I would say that we're on -- you're familiar there's a
3 scheduling order in this case, correct?
4 A Vaguely, but I'm not aware as to the specifics.
5 Q Well, in federal court certain deadlines are set
6 by the judge, not us, and we have to comply. So you
7 would need to get with your lawyer to be sure, if you're
8 going to produce that information, you comply with the
9 scheduling order. Is that fair enough?
10 MR. PINKSTON: Very well.
11 A I guess I got to figure out how to calculate that.
12 Q I can't help you with that.
13 A Fair.
14 Q Number 7, again, it was a question about
15 profitability of your business and whether you're
16 claiming any loss there. And you put, "I am not claiming
17 any such loss at this time." This is something, though,
18 that might be revised later; is that correct?
19 A Yes, sir.
20 Q On number 9 interrogatory, I said "Have you ever
21 been a party to a lawsuit prior to this litigation?" And
22 you put "Not applicable." Does that mean you've never
23 been involved in a lawsuit?
24 A Correct.
25 Q Okay. Just wanted to be sure of that.

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1 I think I've asked you about the other ones I was
2 interested in.
3 MR. TIDWELL: Let me next just introduce for
4 the record the requests for production and the answers.
5 (Recess from 10:43 to 10:58.)
6 ([Exhibit 9](#) was marked.)
7 BY MR. TIDWELL:
8 Q For the record, I had Ms. Wilson mark as [Exhibit 9](#)
9 your answers to the requests for production of documents.
10 I don't intend to ask you specifically about these. I
11 would just like to ask you to look at that and see if you
12 can recognize it as your answers to the requests for
13 production of documents. And take all the time you need.
14 A (Reviewing documents.) I don't recognize some of
15 these.
16 Q Okay. Let's --
17 A Oh, this might be like an Amazon listing.
18 Q Okay. If you --
19 A Oh, yeah.
20 Q -- recognize it, please identify that --
21 A It's for the holster. It's like the documents
22 from the Amazon listing for the holster.
23 Q I would represent to you that the best we can do
24 is tell you that this is what we got from your lawyer, to
25 the best of our recollection, and we stored it in our

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1 system that way.
2 A Yeah. I just didn't realize -- because it was,
3 like, reviews, you know. So I didn't know what it was.
4 But I see now. It's because I'm going backwards.
5 Q Well, we printed the whole thing. We didn't edit
6 anything out.
7 A Yeah.
8 Q You may --
9 A I recognize it.
10 Q -- understand why. You would understand why we
11 would not edit things --
12 A Of course.
13 Q -- out of that, correct?
14 A Naturally.
15 Q Okay.
16 A Oh, I see what you mean, to cover your bases.
17 Q Yeah. You take all the time you want to look at
18 it. I'm not trying to hurry you or distract you.
19 A Yeah, I recognize it.
20 Q So these are your answers to requests for
21 production that we sent to you, correct?
22 A Yes, sir.
23 Q Okay. At the risk of being accused of profiling
24 you, let me ask you a little bit about drug usage. In
25 your life have you ever used any illegal drugs, other

Page 91

1 than, say, marijuana?
2 A Yes.
3 Q Okay. Have you ever had a problem with any
4 drugs --
5 A No.
6 Q -- that you used?
7 A No, sir.
8 Q So you've never been in a treatment facility for
9 drug usage, correct?
10 A No, sir.
11 Q Have you ever --
12 A That is correct.
13 Q Okay. Have you ever received counseling from a
14 mental health professional or a drug abuse counselor for
15 drug abuse or substance abuse?
16 A It was court ordered when I was a juvenile.
17 Q Okay.
18 A For cannabis.
19 Q You were how old?
20 A Fifteen.
21 Q That was a long time ago, correct?
22 A Yeah.
23 Q Has that happened to you as an adult?
24 A No, sir.
25 Q Do you use alcohol?

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1 A Occasionally.
2 Q Regarding any drugs that you may've used, other
3 than cannabis or marijuana in the past, how long has it
4 been since you used a substance that's illegal more than
5 marijuana?
6 A Probably six months.
7 Q Okay. What was that?
8 A LSD.
9 Q Do you use that regularly?
10 A No, sir.
11 Q Okay. Have you used it prior to that?
12 A Once or twice.
13 Q Okay. Any other --
14 A But it's what they would consider a microdose, you
15 know. So, you know, like not, not enough to experience
16 any visuals, not enough to, you know, get all crazy.
17 Q Have you ever used amphetamines?
18 A Like Adderall?
19 Q That is an amphetamine.
20 A I was prescribed Adderall for a while.
21 Q I understand. That's a prescription. Have you
22 ever used an illegal version of amphetamines?
23 A No, sir.
24 Q Like methamphetamines?
25 A No, sir.

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1 Q Okay. Any opioids you've ever used in your
2 life --
3 A No, sir.
4 Q -- other than prescribed?
5 A No, sir.
6 Q Have you ever been arrested for a criminal offense
7 in your life?
8 A Yes, sir.
9 Q What would that have been? I'm not talking about
10 this event where they cited you. I'm talking about an
11 arrest.
12 A Right. I was arrested for possession of drugs in
13 2016.
14 Q The one you told me about?
15 A Yes, sir.
16 Q It was dismissed, correct?
17 A Yes, sir.
18 Q Any other arrests?
19 A No, sir. Not as an adult.
20 Q As an adult I'm talking about.
21 A No.
22 Q I'm actually not allowed to ask you about your
23 juvenile record. And I've already forgotten what you
24 told me about it. But I'm talking about as an adult.
25 A So I was arrested, booked for previous charges or

Page 94

1 other reasons, in 2014. Oh, that's -- this goes back to
2 when the police messed with me, you know. They claimed
3 that I had a warrant, and they took me to Hamilton County
4 jail, and they reached out to Dade County, Georgia, who
5 sent them a piece of copy paper with a handwritten note
6 that said "Warrant is valid. Hold him." And so they
7 held me and then the next day they let me out. And I
8 called the guy, and he said the case had been dismissed
9 for two years, so he didn't know why they arrested me.
10 And I missed my sociology exam.
11 Q Have you ever been placed on court-ordered
12 probation?
13 A No, sir.
14 Q Have you ever been court-ordered by -- other than
15 what you mentioned, which I wasn't supposed to ask you
16 about, which I didn't --
17 A Of course.
18 Q -- you volunteered it, have you ever been ordered
19 by a court to get mental health or substance abuse
20 treatment?
21 A No, sir.
22 Q Regarding your complaint, you don't list an amount
23 of damages in the complaint, which is not that unusual.
24 Have you formulated an amount of money damages that you
25 think you're supposed to get for compensatory damages,

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1 which are to compensate you for damages you claim?
2 A Well, I mean, how much is each one of your rights
3 worth?
4 Q I don't answer those questions. I'm asking you.
5 Have you ever formulated a dollar number of what you're
6 going to ask for yet?
7 A I'm not supposed to talk to him?
8 Q You can discuss it with him later. But as you sit
9 here right now, do you have a dollar amount you intend to
10 ask for if this case were to go to trial?
11 A No, sir.
12 Q And that relates to compensatory damages. Do you
13 understand what that is?
14 A Like to pay me back?
15 Q Yeah.
16 A Right.
17 Q Okay. You also pled -- we call it pleading. You
18 pled for punitive damages, which are penalty damages to
19 punish the defendants. Have you formulated an amount
20 that you want to ask for for penalty damages, as you sit
21 here today?
22 A No, sir.
23 Q Under federal rules, which Rule 26 is the big one,
24 Federal Rules of Civil Procedure, Rule 26, you're
25 required to provide a computation of how you arrived at

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1 your damages at some point prior to trial. Okay?
2 A Okay.
3 Q You did not provide that in your initial
4 disclosures. You said you were going to do it later. Do
5 you understand you do have to do that at some point?
6 A Of course.
7 Q Okay. And that is in writing. Do you understand
8 that?
9 A Yes, sir.
10 Q And if you don't do that, your case can be
11 dismissed and it won't be tried. Do you understand that?
12 A Yes, sir.
13 Q And I do that for a reason, because some people
14 don't ever do it.
15 A Right.
16 Q And I'm not trying to give you legal advice.
17 That's not my point. I'm not your lawyer. I just don't
18 want you later, if you don't do it, to say, gee whiz, I
19 didn't know. So you do understand, correct?
20 A Yes, sir.
21 Q Okay. Have you employed an expert witness to
22 assist you in this case?
23 A No, sir.
24 Q Have you -- I'm sorry. Strike that.
25 Let me make sure I'm clear. An expert witness is

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1 a person who has some particular expertise in some area.
2 For example, the growing or producing of hemp would be
3 one.
4 A Well, how do we quantify --
5 Q Or a medical doctor or somebody -- I'm sorry, let
6 me finish. A medical doctor or something like that can
7 be considered an expert. Have you sought out or
8 considered getting an expert witness?
9 A I've considered it, but I'm unsure as to how we
10 qualify a cannabis expert.
11 Q That's a good question. Since it's not been done
12 in the past --
13 A Well, there's a program in California called the
14 Ganjier program, and they're supposedly certifying people
15 to be, like, you know, expert weed people. But really
16 there's no official way to, like, qualify their
17 expertise.
18 Q And the reason I ask you that question to ask
19 this -- and this is not a gotcha question. But do you
20 think you intend to employ an expert?
21 A I'm unsure.
22 Q Okay. That's fine.
23 I'm finished with my questions. I may have
24 follow-ups if other people ask questions, but it would be
25 very brief.

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1 MR. TIDWELL: I would like to ask -- and hate
2 to do this again, but can I have just a couple minutes to
3 consult with other defense counsel? I'll be right back.
4 (Recess from 11:06 to 11:16.)
5 EXAMINATION
6 BY MR. YANEZ:
7 Q My name is Zack Yanez. I represent the City of
8 Chattanooga and the Chattanooga Police Department.
9 Same ground rules that he covered. I won't repeat
10 them. One of the things -- and I do apologize ahead of
11 time. I have a bunch of questions. He covered most of
12 them, so if I pause or break or anything like that, it's
13 because I'm jumping around and I don't want to ask you
14 the same question. But if I do, it either is because I'm
15 trying to understand the answer or because I made a
16 mistake. Either way, just be patient with me.
17 A Sure. No problem.
18 Q Okay. How did you become involved -- actually,
19 let's start off here. So, there's hemp, correct, and
20 then there's marijuana; is that right? There's -- is
21 that...
22 A As I understand it, marijuana doesn't actually
23 refer to anything about the plant. I'm unsure as to why
24 we use that word.
25 Q Okay.

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1 A Cannabis is what the all-encompassing term is.
2 Legal and illegal, I guess you could differentiate them.
3 Q That's exactly what I was going for. So if I say
4 "cannabis," we're using an all-encompassing term that
5 would encompass both marijuana, hemp, delta 8, and
6 anything --
7 A Yeah.
8 Q -- related to that, correct?
9 A Correct.
10 Q Okay. How did you become involved in the cannabis
11 industry?
12 A I moved to Michigan with a girl in 2017 and her
13 grandpa was a grower up there, because it was not all the
14 way legal, it was medical at the time. And I kind of,
15 like, understudied with him to learn how to grow. And
16 then I came back here and I just showed pictures of
17 plants I grew to different people, and they circulated
18 their way back to JP, Jonathan Cisco, the president of
19 Farmacy Fresh. And he said they needed a farmer but they
20 couldn't pay me in money, so they was going to give me
21 some equity.
22 Q Okay. When did you come back to Chattanooga then?
23 A 2018.
24 Q Okay. And you mentioned a little bit, but what
25 training have you had, in particular in the cannabis

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1 industry?
2 A Training?
3 Q Yeah. Any training? Schools? Studying?
4 Understudy?
5 A I did a lot of research. But pretty much
6 anything, for the next five or 10 years, is still going
7 to be anecdotal, you know, just because there's no, like,
8 official certification process. So my research was
9 self-pursued, but two or three hundred hours, maybe,
10 research.
11 Q And are your day -- what's your day -- what's your
12 role day to day at your business?
13 A I'm the CEO. So, really anything that nobody else
14 is doing, I got to do.
15 Q Okay. Does that entail going into the store every
16 day?
17 A Not to work a shift, but I'm in and out, to pick
18 up products or assess the inventory, relay information.
19 Answer the phone, that's a big one.
20 Q Okay.
21 A Because our Google number is my cell phone number.
22 Q Okay. So that's a big responsibility?
23 A So if I don't recognize the number, I always
24 answer "Happy Hemp Farmacy. How can I help you?"
25 Q Okay. And how often do you go to Happy Hemp

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1 Farmacy, let's say, on a given week?
2 A Like, a thousand times.
3 Q Would it be every day?
4 A Yeah.
5 Q Including Saturdays, Sundays?
6 A Yes, sir.
7 Q Do you take any particular days off, or just --
8 A I mean, we're closed on Sunday but we still go to
9 the store.
10 Q Okay.
11 A Because I got a grill out back.
12 Q Okay. That's fair.
13 So it's safe to say you're there every day?
14 A Yes, sir.
15 Q Ms. Harris, she has an ownership interest
16 currently?
17 A She does.
18 Q Okay. And what -- does she have involvement in
19 day-to-day operations as well?
20 A She does.
21 Q Okay.
22 A She's more plugged into the schedule.
23 Q Okay. And to be clear, in your interrogatories,
24 if you recall you were asked this earlier, you identified
25 some attorney's fees and criminal defense costs. Those

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1 are associated exclusively with Ms. Harris' criminal
2 defense case, correct?
3 A Yes, sir.
4 Q Not yours?
5 A Right.
6 Q Okay.
7 A Peas-pod scenario. Know what I'm saying?
8 Q That's fair. What's the difference between
9 marijuana -- strike that.
10 Would you agree with me that marijuana is legal?
11 Illegal, sorry.
12 A Yes. I feel like that's what classifies it.
13 Like, if it's illegal, it's what you would call
14 marijuana.
15 Q Okay. So, you would agree with the statement
16 marijuana is still illegal in Tennessee?
17 A Not necessarily.
18 Q Why not?
19 A Because marijuana is a term that we have typically
20 used to refer to anything that grows buds and has five
21 leaves or seven leaves, or whatever, you know. But some
22 elements of marijuana are not illegal.
23 Q Let's --
24 A Like delta 9 THC, it's not illegal in
25 concentrations under point three percent.

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1 Q Okay. So, what makes, for instance, a cannabis
2 product illegal here in Tennessee?
3 A The THC content.
4 Q Okay.
5 A The delta 9 THC content.
6 Q Okay. And the reason why I'm asking this, I want
7 to make sure I use the correct language. I'm
8 not familiar --
9 A Sure. Of course.
10 Q Delta 9 THC content makes a substance potentially
11 illegal --
12 A Legal or illegal, based on that, yes.
13 Q Okay. So, does CBD exceed that threshold?
14 A CBD is -- no. No, it doesn't. Because CBD is
15 CBD, you know, and it has -- do you mean CBD flower?
16 Q CBD flower.
17 A Oh, that largely depends on the supplier and the
18 conditions it was grown in and how much heat it's been
19 exposed to, and stuff like that.
20 Q Okay. Let me ask you this -- strike that. We'll
21 get to that.
22 Is delta 9 legal?
23 A In concentrations lower than point three percent
24 by dry weight, yes.
25 Q Okay. And that's the type of delta 9 product that

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1 you had in the vehicle on the date of the incident?
2 A Yes.
3 Q Okay.
4 A Because they're 6 milligram gummies, and the legal
5 limit is 7 and a half milligrams based on the weight of
6 the gummy.
7 Q Okay. Would you agree with me that cannabis has a
8 distinct smell?
9 A Yes.
10 Q Okay. Do these delta 9 products, including
11 gummies, brownies, anything of that nature, keep that
12 distinct smell?
13 A Not naturally, but it can be introduced after the
14 fact. The ones I had did not have that, so I guess it's
15 pointless. But it -- I mean it's possible for them to
16 still smell like weed.
17 Q Okay.
18 A But they didn't, for the record.
19 Q Help me to understand why they didn't, for the
20 record.
21 A Because we used a distillate that was -- it didn't
22 have any terpenes in it -- or have very little terpenes
23 in it. And terpenes evaporate almost at room
24 temperature. So in the manufacturing process they
25 would've been cooked all out.

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1 Q Okay.
2 A You would've had to reintroduce it after it was
3 almost cooled.
4 Q Okay. So it's your contention that the delta 9
5 gummies that you had had no smell of --
6 A Correct.
7 Q -- cannabis?
8 A Right.
9 Q Do you know if you were at the store on the date
10 of the incident?
11 A We were at Rock City.
12 Q Were you at the store that day?
13 A Probably.
14 Q Okay. Does the store smell like cannabis?
15 A It can from time to time.
16 Q Okay.
17 A But I mean, we aren't there 12 hours before, you
18 know. Like, we'd been gone a long time. Because we were
19 at Rock City for four hours maybe.
20 Q Okay. Do you ever smoke any cannabis-related
21 product in your vehicle?
22 A No. Absolutely not. Not since -- growing up, I
23 was, you know -- I learned quickly that's probable cause,
24 and I'm not trying to do that dance.
25 Q Okay. Aside from on this date, do you ever

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1 transport cannabis-related products in your vehicle?
2 A Yes.
3 Q Okay. And do those products have a cannabis scent
4 or smell?
5 A Sometimes. If they're not properly packaged.
6 Q Okay. Were the items in your vehicle on the date
7 of the incident that were seized, were they properly
8 packaged?
9 A They didn't have a smell.
10 Q Sorry, that's not my question. Were they properly
11 packaged?
12 A When I used the term "properly packaged," I was
13 referring to something that could potentially stink, you
14 know. So, like a vacuum seal would be the solution for
15 that. But given that the products had no odor, I would
16 say I didn't vacuum-seal them.
17 Q Okay. So they would not be properly packaged,
18 based on the definition you gave it, correct?
19 A Negative. I'm saying properly packaged previously
20 referred to something only with an odor. Properly
21 packaged otherwise is just in a bag.
22 Q Okay.
23 A Like, I didn't have loose gummies in my trunk.
24 Q Okay. Were the items that were seized vacuum
25 sealed?

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1 A No.
2 Q Okay. If they did have a scent and were stored in
3 the apparatuses that they were stored in, would that
4 scent exude that apparatus or Ziploc bag?
5 A That seems like a silly question. Because we just
6 established --
7 Q My question --
8 A We just established they don't have a smell.
9 Q Okay. I'm asking --
10 A So even if they did --
11 Q It's a hypothetical.
12 A -- have a smell -- if they had a smell, sure they
13 would stink.
14 Q Okay.
15 A But probably not from the trunk, in a backpack.
16 Q What types of products do you sell at Happy Hemp
17 Farmacy? Just generally.
18 A Tinctures. So, broad spectrum, full spectrum CBD
19 oils, topicals, lotions, massage oils, balms, THCA
20 flower, THCA pre-rolls; Dabs, like concentrate -- we'll
21 say concentrates. Like, delta 8 concentrates, THCA
22 concentrates.
23 THE REPORTER: Did you say dabs?
24 THE WITNESS: D-a-b-s. Yes, ma'am.
25 Q Do you know if any of those substances can

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1 potentially make you high? Can, like, any of those
2 products potentially make you high?
3 A The edibles for sure.
4 Q Edibles meaning like brownies, gummies --
5 A Cereal --
6 Q -- any type of food --
7 A Cereal bar treats, chocolate bars, gummies. Yeah.
8 Anything containing a psychoactive substance, such as
9 delta 9 THC, delta 8 THC.
10 Q Okay.
11 A But THCA is not psychoactive.
12 Q Okay. The gummies that you had in the trunk of
13 the vehicle that were seized, were they psychoactive?
14 A Yes. And like I said to the other guy, I had a
15 COA, a valid COA for the gummies at the time that
16 indicated they were under the legal threshold for THC.
17 Q Sorry. COA?
18 A Certificate of analysis.
19 Q Okay. Was it attached to the gummies?
20 A No.
21 Q Okay. Where did you have the certificate of
22 analysis?
23 A My email.
24 Q Okay.
25 A But I was -- I can't recall if he asked me about

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1 it or not.
2 Q You said the smell between, for instance,
3 marijuana and another legal cannabis substance would be
4 virtually identical, correct?
5 A The terpenes would be, yes.
6 Q Okay. And there would be no way for an officer
7 who's at the scene of a traffic stop to distinguish
8 between a legal cannabis substance and an illegal
9 cannabis substance, correct?
10 A Based on?
11 Q Based on the smell.
12 A Right.
13 Q And --
14 A Well, according to Mr. Bryant, he could. He said
15 he could smell the difference in THC and CBD.
16 Q But I'm asking you. I'm not asking --
17 A No, he can't.
18 Q Okay. He can't. How about in terms of what it
19 looks like --
20 A Visually?
21 Q -- its appearance?
22 A No.
23 Q Okay. So, based on its smell and its appearance,
24 there's no way of being able to distinguish whether it's
25 a legal or illegal substance at the time of the traffic

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1 stop?
2 A In reference to flower?
3 Q In reference -- well, in reference to any
4 substance. I didn't specify, but if you want to speak
5 specifically to flower we can, and then we can move to a
6 different substance.
7 A Right. Yeah, I would say there's no way to tell
8 without a test.
9 Q Okay. And so to relate it to this incident, there
10 was no way for the officers at the scene to be able to
11 distinguish whether the substances that were seized were
12 legal or illegal in this case?
13 A Other than the COA that I had. But by that
14 argument, like, you know, I could have a bag of baby
15 powder and they not know if it's legal or illegal unless
16 they touch it -- I mean unless they test it. So, testing
17 is the only way to determine if any substance is legal or
18 not.
19 Q So you'd agree with me that the officers could not
20 test it out on the scene, correct?
21 A I don't know what they have.
22 Q Okay. You'd agree with me that the officers could
23 not know whether it was legal or illegal at the scene of
24 the stop?
25 A Right.

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1 Q Okay.
2 A And I think that was referenced in the TBI memo.
3 Q Okay.
4 A Which is why they decided to stop testing it,
5 because they couldn't tell.
6 Q I would -- based on your work experience, I would
7 imagine that you've been around the marijuana smell or
8 cannabis smell for some time, correct?
9 A Yes.
10 Q Would you say that you've been desensitized to
11 that smell?
12 A No. Absolutely not.
13 Q Okay. Why not?
14 A Like, if I haven't been in a room with it for all
15 day, like if I walk anywhere, trust me, I can smell it.
16 Q Okay.
17 A I do that in public all the time, "Somebody
18 smoking weed?"
19 Q Rock City, how long were you there?
20 A Three or four hours.
21 Q Okay. At any point during that day, you were
22 asked about whether you smoked any CBD. Did you consume
23 any cannabis-related products on the date of the
24 incident, at any time?
25 A No.

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1 Q Do you have a daily regimen for, for instance,
2 vitamins or different products you take?
3 A Not particularly a regimen, no. It's more quality
4 control at this point.
5 Q Okay. Tell me about that equality control.
6 A Like if we make a batch of gummies, I'm going to
7 eat one.
8 Q Okay. So you don't take any CBD daily or anything
9 like that?
10 A I mean, a lot of it depends on how I'm feeling. I
11 won't if I don't feel like I need to. But we've been
12 trying to incorporate CBD into our daily thing.
13 Q Other than CBD, actually CBD, in what form do you
14 take it?
15 A Tincture.
16 Q Okay. Tincture. Anything else you take?
17 A Not like regimented.
18 Q Okay. You mentioned that you were at the gas
19 station prior to the stop, correct?
20 A (Moving head up and down.)
21 Q I'm sorry, you need --
22 A Yes, sir. Sorry.
23 Q How long were you at the gas station?
24 A Ten minutes.
25 Q Okay. What were you doing at the gas station?

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1 A I saw where my vice president and his family had
2 pulled up at the gas pump, and so I whipped in just to
3 make sure that he had enough gas in his car.
4 Q Okay. How long were you there?
5 A Ten minutes.
6 Q Ten minutes. Did you see the officers there?
7 A I did. Just one.
8 Q Just one officer?
9 A Bryant. He was in the parking lot, facing my car
10 directly.
11 Q Okay. Was he facing you through the front
12 windshield?
13 A Front windshield.
14 Q Okay. Did you have any conversations or
15 communication with him?
16 A No.
17 Q Okay. When you got in your vehicle, tell me what
18 happened next.
19 A I got in my car, Cody got in his van. Cody pulled
20 out, didn't use his blinker, and then I pull out and the
21 cop gets right behind and pulls me over immediately.
22 Q Okay. About how far did you go before you were
23 pulled over?
24 A Sixty yards from the gas station.
25 Q Okay. When you pull over, walk me through what

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1 you did.
2 A I rolled my window down and talked to him. Well,
3 he -- there were two -- so, we're at the gas pump and I
4 seen two other squad cars go by. And then when I pulled
5 out, they all three were in a line behind me and all
6 three cars were there as soon as he initiated the traffic
7 stop.
8 Q Okay. I'm going to pause here because I want to
9 focus on the tints. When did you have those windows
10 tinted?
11 A Sometime in 2022.
12 Q Okay. So that same year?
13 A Yeah.
14 Q Okay. And what's the name of the company that did
15 it again?
16 A Evolution Tint and Audio.
17 Q Okay.
18 A Broad Street.
19 Q Walk me through the process of how you get it
20 tinted. Is it something that you select? Or how does
21 that conversation go?
22 A I pretty much made an appointment to have my
23 windows tinted, and they asked me what I wanted, I said
24 the legal limit, and then I dropped the car off, picked
25 it up, wham bam.

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1 Q Okay. Prior to telling them that you wanted the
2 legal limit, did you verify what the legal limit was?
3 A No.
4 Q Okay. When you picked up the vehicle, did you ask
5 them or question them to ensure that the actual legal
6 limit was provided?
7 A No.
8 Q Okay. Did you know whether they actually gave you
9 a tint within the legal limit?
10 A No.
11 Q Okay.
12 A But I can't imagine that somebody would give me
13 more than what I paid for.
14 Q Okay. Do you still have that receipt?
15 A I'm sure it's obtainable.
16 Q Okay. Have you provided or can you provide it to
17 your attorney?
18 A I have, yes.
19 Q Okay. So --
20 THE WITNESS: (To Mr. Pinkston) Right?
21 MR. YANEZ: It's marked as a late-filed
22 exhibit. I'm just going to, for the record -- and this
23 doesn't have to do with you-all. But I'd reserve the
24 opportunity to re-ask any questions related to late-filed
25 exhibits which have not been produced in discovery.

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1 MR. TIDWELL: I also echo that, that I
2 reserve the right, if necessary, to do that, once we see
3 the late-filed exhibits.
4 MS. VARNELL: Same.
5 THE WITNESS: Me too.
6 BY MR. YANEZ:
7 Q Do you still have that vehicle?
8 A Yes.
9 Q Do you still have the same tints?
10 A Yes.
11 Q Okay. You took it back to the tint shop after
12 this incident?
13 A Huh?
14 Q Did you take the vehicle back to the tint shop?
15 A No.
16 Q Okay. Have you purchased a tint reader?
17 A No.
18 Q Have you used a tint reader?
19 A No.
20 Q Has anyone tested your window for the tint?
21 A Not -- other than Bryant, no.
22 Q Okay. So just on the record, I'd ask that you
23 preserve the window tint or at least send us photos of
24 the window tint.
25 A I'll bring the window.

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1 MR. YANEZ: Neal, are you okay with that,
2 sending us pictures?
3 MR. PINKSTON: I'm trying to figure out how
4 that looks in my brain, but I think so.
5 MR. TIDWELL: Just some photos of it during
6 the daylight would be great.
7 MR. PINKSTON: All right.
8 THE REPORTER: Is that a late filed? That is
9 not; is that correct?
10 MR. YANEZ: No, it's not. It's just a
11 request.
12 BY MR. YANEZ:
13 Q It's your position that your car did not smell
14 like cannabis?
15 A Correct.
16 Q Okay. And how do you know that?
17 A Because there was no cannabis in it.
18 Q Okay. Do you recall being asked if you had any
19 CBD in your car?
20 A Yes.
21 Q What did you respond?
22 A No.
23 Q Okay. Did you have any CBD in the car?
24 A No.
25 Q Okay.

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1 A You mean flower?
2 Q The term used in the recording was CBD, so I just
3 want to be specific as to the CBD.
4 A Well, I mean, that's kind of vague.
5 Q Okay. Did you express that to the officer, that
6 it was a vague question?
7 A Didn't seem like the time or the place.
8 Q That's fair. But it's your position that it did
9 not smell like cannabis?
10 A Correct.
11 Q We talked a little bit about the booking process
12 and I was just confused. I want to clarify this. So you
13 went to go get booked, correct?
14 A Thirty days after the incident.
15 Q Okay. And you said the citation was not there?
16 A That's what the lady said.
17 Q Okay. So you did not have to get booked, correct?
18 A Right. I mean, I couldn't get booked, because
19 there was nothing there.
20 Q And you had no criminal case associated with this
21 case?
22 A Right.
23 Q Okay.
24 A Well, not officially I guess, because he --
25 Q What do you mean, "not officially"?

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1 A Like after -- because for 30 days I thought I did.
2 I was under the impression that I did have a criminal
3 case against me, because I was given a citation and my
4 weapon was confiscated.
5 Q Okay.
6 A So, for 30 days I thought there were criminal
7 charges, but then we found out he did not file them.
8 Q Okay.
9 A But he did take my gun.
10 Q Okay. And you have your gun?
11 A Right. Now.
12 Q We'll talk about that in a second.
13 You did not -- during that process of when you
14 were going to get booked and you were not able to get
15 booked, you didn't have an attorney within those 30 days,
16 correct?
17 A We had already hired an attorney for Tiffany.
18 Q Okay. But not for yourself?
19 A Right.
20 Q Okay.
21 A Because I hadn't been booked yet. Wouldn't you
22 need to be booked to hire an attorney?
23 Q Let's look at -- okay. So I'm going to hand you
24 some photos of the body camera footage. They're
25 snippets. I'm going to these questions related to it and

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1 make them exhibits. If you don't recall, I'm happy to
2 play the body cam footage.
3 A I was about to say, I got it too, on my phone.
4 Q Okay. So, I'm handing you a photo. I don't have
5 many copies.
6 So, I'm looking here at the bottom of it. This is
7 Axon_Body_3_Video. Do you see that, where it says that
8 at the bottom left corner?
9 A Yeah.
10 Q And the time stamp is 22 minutes 23 seconds.
11 A Uh-huh.
12 Q Okay. So this part, are these cartridges with
13 some sort of oil?
14 A Yes.
15 Q Okay. What are they?
16 A Delta 8 cartridges.
17 Q Okay. Were they labeled as such?
18 A No.
19 Q Okay.
20 A There's not no law that said I had to label them.
21 Q Okay. Do you know if -- were they found in your
22 trunk?
23 A I suppose. I mean, there's a picture of those and
24 my trunk's open.
25 Q Well, you've seen the video. Did --

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1 A It's safe --
2 Q -- they come out of your trunk?
3 A Yes.
4 Q Okay. Did it come out of your bag?
5 A I'm not sure.
6 MR. YANEZ: I'd like to make this the next
7 exhibit.
8 ([Exhibit 10](#) was marked.)
9 BY MR. YANEZ:
10 Q Go ahead.
11 A No. I mean, it's irrelevant anyway.
12 Q Okay. At it relates to [Exhibit 10](#), have you
13 received back these cartridges?
14 A No.
15 Q Have you requested to get them back?
16 A I don't believe so.
17 Q Okay.
18 A I know we requested some of the things but I don't
19 know if, like, you know, we requested all. I didn't even
20 know they took those.
21 Q Okay.
22 A I wasn't given any paperwork that said that he
23 took anything but my gun from me.
24 Q Okay.
25 A At the time of the incident.

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1 Q You are aware that these were seized, now, as you
2 sit here today, correct?
3 A Correct.
4 Q And because that image is bad or -- it doesn't
5 capture really the cartridges. This is another image of
6 the cartridges. Are those the same cartridges that we
7 saw in [Exhibit 10](#)?
8 A I would say so.
9 MR. YANEZ: Okay. I'm going to make this
10 [Exhibit 11](#).
11 ([Exhibit 11](#) was marked.)
12 BY MR. YANEZ:
13 Q As it relates to [Exhibit 11](#), do you recall when
14 you acquired those cartridges?
15 A No.
16 Q Okay. Do you know if you were selling them or
17 using them for Happy Hemp Farmacy?
18 A I mean, we move a lot of product from one place to
19 the other. And, like I said, we'd just got back from
20 vacation, so it was possible those were just in my bag as
21 my vacation carts, just like the gummies. Because the
22 gummies were in my bag as vacation gummies.
23 Q Okay. And you said you-all transport a lot of, I
24 guess, product, and that's typically in your vehicle?
25 A I wouldn't say typically. Wait. Do you mean like

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1 the transportation?
2 Q Yeah.
3 A Okay. Yes.
4 Q Okay. And that's this vehicle that we're talking
5 about today?
6 A Yes.
7 Q Okay. I'm handing you another photo from body
8 camera footage, Axon_Body_3_Video, time stamp 17:41. Can
9 you describe for me what the officer is holding?
10 A Looks like a jar.
11 Q Do you see the white substance inside the jar?
12 A I'm going to venture to say that was the CBG
13 isolate.
14 Q Okay. And just for my own understanding, what's
15 CBG isolate again?
16 A Cannabigerol. And when the plant is in the
17 beginning stages of flowering, it produces CBG, which
18 later turns into either CBD or THC. So it's a precursor.
19 And it's used in a lot of formulations.
20 Q Does CBG have a scent?
21 A No.
22 Q Have you made a request for the CBG to be returned
23 back to you?
24 A Not to my knowledge.
25 MR. YANEZ: I'd like to make this the next

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1 exhibit.
2 ([Exhibit 12](#) was marked.)
3 BY MR. YANEZ:
4 Q I'm handing you another photo from
5 Axon_Body_3_Video, time stamp 24 minutes 2 seconds. Do
6 you recognize the plastic bag that's in the photo?
7 A Yes.
8 Q Okay.
9 A I mean I'd have to because it came from my stuff,
10 but I'm not sure what's in it.
11 Q Okay. Do you know if those are the gummies that
12 were seized?
13 A Probably.
14 Q Okay. And they're in a Ziploc bag, correct?
15 A Correct.
16 Q Okay. And we talked about this earlier, but those
17 are in a vacuum seal?
18 A Right.
19 Q Okay.
20 A But they also have no smell.
21 Q I understand. Have you made a request for these
22 gummies --
23 A Yes.
24 Q -- to be returned to you?
25 A Absolutely.

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1 Q Have they been returned to you?
2 A No.
3 Q Okay. How did you make the request?
4 A Mr. Pinkston. Any request I make is probably
5 through him.
6 Q Okay. And do you have any email confirmation or
7 anything like that regarding them not getting back to
8 you?
9 A No.
10 MR. YANEZ: Okay. I'd like to make this --
11 MR. PINKSTON: I do.
12 MR. YANEZ: I'm asking him the questions. I
13 want to know his knowledge.
14 THE WITNESS: Yes. Yes, I do.
15 MR. PINKSTON: No, no. You know.
16 THE WITNESS: No, I don't.
17 MR. YANEZ: I'd like to make this --
18 THE WITNESS: Sorry.
19 MR. YANEZ: -- the next exhibit.
20 THE WITNESS: I'm sorry.
21 ([Exhibit 13](#) was marked.)
22 BY MR. YANEZ:
23 Q What are Delta 9 Super Mega Awesome Treats?
24 A A Cereal bar treat that contains under the legal
25 limit of delta 9 THC.

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1 Q Okay. I'm going to hand you another photo from
2 the body camera footage.
3 A They didn't record those, did they?
4 Q So, tell me what we see in this snippet.
5 A Peanut butter Cap'n Crunch.
6 Q Peanut butter Cap'n Crunch what? What is it?
7 A THC treat.
8 Q Okay.
9 A It's peanut butter Cap'n Crunch and chocolate that
10 has been infused with delta 9 THC.
11 Q Okay. Does that have a scent?
12 A No. Other than peanut butter and chocolate.
13 Q Do you know if those were labeled?
14 A Looks like -- I mean, like, I wrote on them with a
15 Sharpie.
16 Q Okay.
17 A But they also look like they've been nibbled on,
18 like somebody had taken bites out of them.
19 Q Is it your contention that Chattanooga
20 Police Department --
21 A No. It was me.
22 Q Oh, okay.
23 A I for sure ate some.
24 Q Okay.
25 A Previously.

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1 Q Not on the day of the incident?
2 A Not on the day of, obviously. That's vacation
3 stuff.
4 Q Okay. How long had you been back from vacation?
5 A Like a month.
6 Q Okay.
7 A And also, as far as the containers go, as a
8 businessowner it doesn't make sense that I would spend a
9 dollar fifty on a container for myself when I could pay
10 three cents for a bag and keep it just as good.
11 Q Okay. Would that be different now when the laws
12 have changed?
13 A It would have to be.
14 MR. YANEZ: Make this the next exhibit.
15 ([Exhibit 14](#) was marked.)
16 BY MR. YANEZ:
17 Q Okay. And just to close this loop up, Exhibits 10
18 through 14, which you just went through, you would agree
19 with me these were all in your vehicle, correct?
20 A Correct.
21 Q Okay. I'm going to go through some of these
22 interrogatory responses.
23 A Cool.
24 Q When did you actually -- did you fill out these
25 interrogatory responses?

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1 A Like a month ago.
2 Q About a month ago?
3 A Two months ago? I'm not really sure.
4 Q Okay. And the reason why I ask that question is
5 because when I look at page 6 of your interrogatory
6 responses, where it's notarized, there's no date.
7 A Right.
8 Q But you represent -- you're representing that it
9 was done about a month or two months ago, correct?
10 A Right.
11 Q Okay. On interrogatory number 6, we talked about
12 this briefly but I just want to make sure I understand.
13 "If you are claiming lost wages or income as a result of
14 this incident, please state the number of days you missed
15 from work or income opportunity and the total amount of
16 lost wages or income you claim, including any explanation
17 of how you arrive at that figure." That was the
18 interrogatory request.
19 Your response was, "I am not claiming lost wage or
20 income at this time."
21 A Correct.
22 Q Okay. As you sit here today, you've changed your
23 response from interrogatory number 6, correct?
24 A What?
25 Q Well, are you claiming any lost wages?

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1 A Not at this time. I got to figure out how to
2 calculate it.
3 Q Okay. Did you attempt to calculate it when you
4 responded to the discovery requests?
5 A No.
6 Q Okay.
7 A I mean, I, obviously I sat there and was like,
8 hmm, how do we determine that? I don't know. I just
9 need to get these things answered.
10 Q Okay. But you are representing that you are going
11 to make a lost wage claim and you're going to supplement
12 your response, correct?
13 A It's possible. Depending on how many times we
14 catch the cops in the parking lot.
15 Q Okay. Along with the catching the cops in the
16 parking lot which you testified earlier to, you've taken
17 photos of that?
18 A Yeah.
19 Q Okay. And you've documented that in your phone?
20 A Yes.
21 Q Do you have a log of it?
22 A In out text thread, yes.
23 Q Okay. And you --
24 A Time stamped and stuff.
25 Q We've already put on the record that that's a

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1 late-filed exhibit, so I'll just move on from that.
2 Have you ever been arrested? Interrogatory number
3 8, "Have you ever been arrested for a criminal offense?"
4 A Yes.
5 Q Okay. And the only times you've been arrested,
6 aside from this incident, was that 2016 incident and the
7 one when you were a juvenile, which I'm not talking
8 about?
9 A Right.
10 Q Okay. Any other time you've been arrested?
11 A Well, the booked for previous charges or other
12 reasons with the Dade County pretend warrant, they let me
13 go.
14 I mean, I've never pled guilty -- like, I've never
15 been convicted of anything. They've arrested me, but
16 inconsequential.
17 Q You've testified that you feel like the police
18 are, I guess, profiling or targeting you?
19 A Yes.
20 Q Okay. How many times have you been pulled over by
21 the police in the last 10 years?
22 A Maybe 10.
23 Q How old are you?
24 A I'm 29.
25 Q Yeah, 10 years then.

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1 A It's hard to say. Maybe 10, 10 or so.
2 Q Maybe 10 or so times?
3 A Well, it's not that the frequency of the
4 interactions are high, it's that the fervency with which
5 we interact when we do is the problem, you know.
6 Because, because I might not deal with them all the time,
7 but every time I do, it sure is an event.
8 Q Did you feel the officers were disrespectful to
9 you on the date of the incident?
10 A Yes.
11 Q Okay. Can you identify anything in particular
12 that you felt was disrespectful?
13 A The fact that they had no knowledge or information
14 or training about the subject but they presented
15 themselves as self-appointed experts.
16 Q Okay.
17 A He told me he could smell the difference between
18 THC and CBD.
19 Q What training would you want these officers -- do
20 you think these officers should receive as it relates to
21 identifying cannabis products that are illegal and legal?
22 A That's hard to say. It's a little bit above my
23 pay grade.
24 Q Okay. But as you sit here today, you have
25 nothing --

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1 A I mean, it would be good for them to take some
2 kind of science class on it and to understand the
3 chemical industry behind it and what's what and what's
4 THC and what's delta 9, what's delta 8, why those things
5 are different, why one's illegal and one's not.
6 Q Okay. When the officers are at the scene in this
7 case, do you think that that training would make a
8 difference in the outcome if they are --
9 A Yes.
10 Q -- not able to identify --
11 A So if they understood --
12 Q Wait. Let me --
13 A I'm --
14 Q -- finish --
15 THE REPORTER: Wait a minute.
16 Q -- if they're not able to identify substances
17 which are legal and not legal?
18 A Are you done?
19 Q Yes.
20 A I think that if they were given proper training,
21 they would have a better understanding and be more at
22 ease with the substances. But that might prevent them
23 from making some arrests, so who knows what would happen.
24 I mean, I think that it would be better for everybody
25 across the board if the police were better versed in the

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1 real-life science behind cannabis.
2 Q Well -- and I apologize. I don't want to rehash
3 this, I just want to make sure I understand. You
4 mentioned that you wish they received proper training
5 regarding the distinction of all these products. But
6 we've agreed that at the scene or at the stop, the
7 officer cannot distinguish between legal and illegal
8 cannabis substances based on physical appearance or
9 smell.
10 A Well --
11 Q Correct?
12 A Correct.
13 Q Okay.
14 A Unless they use a test.
15 Q Okay. So there's a test?
16 A I guess. They got one for other drugs, don't
17 they? Like a Marquis test?
18 Q Well, I get to ask the questions. But do you
19 think that there's a test that they can do at the scene?
20 A I think there should be.
21 Q I thought you said there was no way to test these
22 substances unless they were sent to a laboratory
23 currently.
24 A To determine the precise amount of cannabinoids
25 inside them, yes, but there might be -- I don't want to

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1 speak on things I don't know.
2 Q Okay.
3 A So, who knows if that test exists. But if it
4 does, they fucking need it.
5 Q Okay. As you sit here today, you don't know if
6 that test exists, correct?
7 A Right.
8 Q Okay. Have you ever been a party to a lawsuit
9 prior to this litigation?
10 A No.
11 Q We talked about this. I just want to make sure.
12 Interrogatory number 10, you were asked "Please list all
13 medical expenses incurred by you as a result of the
14 physical and/or mental injuries alleged sustained in this
15 incident." And you said you didn't seek medical
16 treatment except with that company online?
17 A BetterHelp?
18 Q Yeah, BetterHelp.
19 A Right. I kind of spin out there because, like I
20 said, I don't have insurance and I'm not going to rack up
21 medical debt, because that's obviously not good for my
22 mental health either. So, I was probably just going to
23 wait until we got all this resolved before I saw any kind
24 of counseling.
25 Q Did BetterHelp cost you any money?

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1 A No.
2 Q Okay. Are you continuing to use BetterHelp?
3 A Well, BetterHelp is just a service that puts you
4 in touch with people who provide the medical services
5 you're looking for. And I, like I said, didn't contact
6 any doctors that were in town for visits.
7 Q Okay.
8 A Because they were all trying to do telehealth
9 visits, and I wasn't about it.
10 Q Okay. So if I understand correctly, you were
11 presented with some options of doctors but you elected
12 not to pursue and consult with those doctors?
13 A Based on my lack of insurance and the debt I would
14 incur to pursue those services.
15 Q Okay.
16 A So the only thing restricting me from that was my
17 financial situation.
18 Q Okay.
19 A Not because I didn't think I needed it.
20 Q Okay. Did you ever receive -- I know the answer
21 to this based on your answer right now. I just want to
22 close it for the record. You did not receive a medical
23 diagnosis in relation to this incident?
24 A Not yet.
25 Q Your holster, do you recall if the police took the

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1 holster from you or if you took it off yourself?
2 A I gave it to them to keep with the gun.
3 Q Was that after they already had taken the gun away
4 from you?
5 A Yes.
6 Q Okay. Do you recall if they had -- if you put the
7 holster down on the police vehicle?
8 A I gave it to Officer Bryant.
9 Q Okay. That's your recollection, correct?
10 A Yes.
11 Q Okay.
12 A Or at least we discussed it before it was
13 produced, "Just keep these two things together, because
14 if you're not going to let me" -- I thought they were
15 going to give me my gun back at first. Because they
16 should've. But when he told me he was keeping it, I
17 said, "Just keep this with it."
18 Q What Chattanooga Police Department policies do you
19 believe violated your constitutional rights?
20 A The drug dog not hitting on the car and them
21 searching it anyway seems like a procedural violation.
22 And the fact that the K-9 officer himself said "I
23 wouldn't like my rights being violated either," which
24 implied that he himself admitted my rights were being
25 violated.

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1 Officer Serret said that they had apprehended
2 murderers and drug traffickers with window tint
3 violations. And then he said, "There's a reason these
4 statutes exist." And to me, that sounded like the
5 unspoken part was "so we can profile you and search your
6 vehicle."
7 Q Okay. Any other policies?
8 A I don't know any police policies.
9 Q Okay. And that's a fair answer.
10 What Chattanooga Police Department practices do
11 you think amounted to a constitutional violation? If you
12 know.
13 A A lack of evidence, you know. Him saying that he
14 smelled weed, and then he smelled nicotine vape which was
15 me trying to cover the smell of weed. And then he said
16 his partner was the one who smelled the weed. But once
17 again, not familiar with the inner workings of the police
18 administrative, like, side.
19 Q Is it fair to say you don't know?
20 A Sure.
21 Q Okay. As it relates to any customs, do you
22 have -- can you identify any customs that the Chattanooga
23 Police Department undertook that violated your
24 constitutional rights?
25 A Customs? What do you mean.

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1 Q Practices. Other than what we've already
2 discussed.
3 A Not without a CP rule book in my hands.
4 Q Okay. You did agree with me that if -- you do
5 agree that if your window tint was too dark, it would be
6 a legal basis for a stop, correct?
7 A Sure.
8 Q Okay.
9 A But also, it would need to follow with a window
10 tint violation citation. So if I was in violation of
11 window tint regulations, they should've cited me.
12 Q Are you aware if the officers have discretion
13 whether to issue window tint citations?
14 A I'm sure they do.
15 Q So we've got the window tint. Now I want to talk
16 about the smell. If the officers smelled cannabis, you
17 would agree with me that that would provide a basis for
18 them to search your vehicle?
19 A No.
20 Q Why not?
21 A Because hemp and -- like basically the legal and
22 illegal thing smell the same, so there's no way to
23 determine that the smell itself is just cause to search
24 my vehicle. Because the smell doesn't -- the smell's not
25 illegal.

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1 Q So --
2 A And it's not indicative of anything illegal.
3 Q So it's your position that if someone -- so if an
4 officer smells marijuana -- sorry, cannabis, that does
5 not provide a legal basis to get into the vehicle?
6 A Right.
7 Q Because --
8 A It could be --
9 Q -- hemp is legal and there's illegal variations of
10 cannabis?
11 A Nothing about the THC or CBD has anything to do
12 with the smell of it. So the legality of the thing has
13 nothing to with the smell.
14 You can buy cannabis-derived terpenes that are a
15 hundred percent CBD and THC free that smell exactly like
16 weed. Terpenes. It's a combination of specific
17 terpenes.
18 And it could be argued that by searching the car
19 based on the smell, I would be subject to occupational
20 discrimination.
21 Q What does that mean?
22 A Like because I'm in the hemp industry, right?
23 Like if my job is making pre-rolls that are completely
24 legal and taxed by the State of Tennessee, on my drive
25 home I could be harassed by the police just because I

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1 smell like my work, which is not illegal at all.
2 Q I'm looking at what's been previously marked
3 [Exhibit 4](#). Under the Description of Evidence there's the
4 THC oil, correct?
5 A Which I assume refers to the cartridges?
6 Q Yes. The gummies?
7 A Uh-huh.
8 Q We need an audible answer.
9 A Yes, sir.
10 Q Okay. And the CBE --
11 A I think it's a G.
12 Q CBG isolate.
13 A Yes, sir.
14 Q Okay. Those are the only items that were seized
15 from you, correct? Other than the gun and the holster.
16 A And apparently the delta 9 treat.
17 Q Okay. Do you know if that was actually taken from
18 your car?
19 A I don't.
20 Q Okay. You were asked this previously as it
21 relates only to Officer Bryant, but I want to just close
22 this out as to -- looking on page 13 of the complaint,
23 count VI. What about the Chattanooga Police Department's
24 actions were extreme or outrageous?
25 A Well, on the video you can see Bryant -- I mean,

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1 Bryant says the words "I fucked up," when he's talking to
2 Serret. And the fact that he proceeded to confiscate my
3 weapon, I would consider that outrageous.
4 Q Okay. Anything else?
5 A The same things I said to him.
6 Q Okay. So, the same things that you mentioned
7 about Officer Bryant?
8 A Are applicable to the whole CPD.
9 Q Okay.
10 A Because he -- they all represent the whole thing.
11 Individually, they all represent each other.
12 Q Do you have grievances against the K-9 officer?
13 A Other than that he stood by and let that shit
14 happen.
15 Q Okay.
16 A And told me that he thought my rights were being
17 violated, more or less.
18 Q Okay. Was there any actions that he took that you
19 would say amounted to you being injured or aggrieved?
20 A That he took?
21 Q Uh-huh.
22 A The K-9?
23 Q Yeah. The K-9 unit. The officer who's handling
24 the K-9.
25 A Right. Well, he told me the dog didn't smell

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1 weed, that the dog wasn't trained to smell cannabis,
2 which again blew my mind, because why bring him to a weed
3 stop.
4 Q Other than that, anything else?
5 A No. I kind of liked the K-9 guy. He was a dick,
6 though. Off the record.
7 Q Do you know exactly what was removed or seized
8 from the vehicle, as you sit here today?
9 A Not entirely or specifically.
10 Q Okay. Just generally?
11 A Right.
12 Q Okay. I'm almost done.
13 A Yeah, I was less concerned with taking inventory
14 and more concerned with bailing Tiffany out of jail. Oh,
15 I did incur that cost.
16 Q What cost?
17 A Bailing Tiffany out of jail.
18 Q Was that based on her meth charge?
19 A It was based on the incident that occurred, yeah.
20 Q Okay. You mentioned your customers earlier and
21 how you feel that they're also being targeted by
22 Chattanooga police; is that right?
23 A Yes, sir.
24 Q Okay.
25 A Well, police in general, no more where they are.

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1 Q Okay. So it's not Chattanooga specific, it's just
2 police in general?
3 A It's both. Right? So it's Chattanooga police
4 mostly, but it's police other places as well.
5 Q Okay. Do you feel like you're bringing this
6 lawsuit also on behalf of your customers?
7 A No. What do you mean?
8 Q I'm just curious to know -- you mentioned them a
9 few times and you feel they're being targeted.
10 A Oh, I -- you brought them back up.
11 Q Because you brought them up.
12 A Okay. Anyway. No, I'm doing this strictly
13 because they've been doing this to me my whole life, and
14 I finally have some sort of recourse.
15 Q Okay. So do you feel like this lawsuit is really
16 more about just this one incident but it's the totality
17 of the incidents throughout your lifetime?
18 A No. It's, it's definitely, like, 99 -- like,
19 primarily it's because they took my gun and violated my
20 Second Amendment and my right to due process.
21 Q Your address on your interrogatories is listed as
22 630 Wilcox Road, Chattanooga, Tennessee; is that right?
23 A Yes, sir.
24 Q Do you live there?
25 A Yes, sir.

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1 Q Okay. Do you live there with anybody else, or
2 just yourself?
3 A My granny and my grandpa live there.
4 Q So based on our understanding, is there a house on
5 that property, 630 Wilcox Road?
6 A Yes.
7 Q And then, your grandparents are Richard Prather
8 and Carol Hatcher; is that right?
9 A They're both Prathers. But, yeah.
10 MR. YANEZ: Okay. Those are my questions.
11 THE WITNESS: Sweet.
12 MR. TIDWELL: Neal, the certificate of
13 analysis that Mr. Shipley referred to relative to the gun
14 that was in his car, if it still exists can we make that
15 a late-filed exhibit?
16 (Unreportable simultaneous colloquy.)
17 MR. JERRY TIDWELL: We already have it?
18 MR. MATTHEW TIDWELL: Yeah.
19 MR. TIDWELL: Okay. Sorry. I wasn't sure.
20 That answers one question.
21 MS. VARNELL: I'm going to make it an
22 exhibit.
23 MR. TIDWELL: Okay. One other question. Do
24 we have the emails about any request for return of the
25 pistol holster or product? I'm assuming it's emails, I

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1 don't know.
2 MR. PINKSTON: I have those with now Chief
3 Chambers. He was assistant at the time. I can get you
4 copies of those.
5 MR. TIDWELL: Okay. If we could make that
6 the next late-filed exhibit.
7 ([Exhibit 15](#), late filed, will be
8 communication regarding request to return
9 pistol.)
10 EXAMINATION
11 BY MS. VARNELL:
12 Q Good afternoon -- morning. I don't know what it
13 is. My name is Janie Varnell. I represent Officer
14 Serret and Officer Buckley. She's now Officer Thomas.
15 So I may -- I know her as Officer Thomas, so I may refer
16 to her as that. I just don't want to confuse you. And
17 this is Logan Davis. She's also in my office.
18 A Hello.
19 Q I have put in front of you a sample of one of your
20 products from Happy Hemp Farmacy. Do you see that?
21 A I do.
22 MS. VARNELL: I miscounted the number of
23 copies that I needed, guys. Sorry. So, maybe y'all can
24 share.
25 Q What product is this?

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1 A 40 milligram delta 9 cereal bar.
2 Q So as I've learned today, delta 9, if it's higher
3 than point three percent --
4 A By dry weight.
5 Q -- by dry weight, it's illegal, right?
6 A Correct.
7 Q Okay. So this product, this is legal in the state
8 of Tennessee?
9 A It is.
10 Q Okay. What all must be on this label?
11 A The dosage, the nutrition facts, a warning label,
12 where it's manufactured. And this is just according to
13 the emergency rules, as I understand them. And a QR code
14 test result to a COA.
15 Q Okay. So it says 40 milligrams of delta 9 treats?
16 A It does.
17 Q So is that each piece is 40 milligrams of?
18 A The whole thing.
19 Q Okay. The whole package is 40 milligrams?
20 A Yeah. Yes.
21 Q Okay. And so the 40 milligrams, is that -- it's a
22 total 40 milligrams of delta 9?
23 A Correct.
24 Q Okay. I'm learning so much today.
25 A Sweet.

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1 Q And so it would be -- so what does the warning
2 label -- or the warning say?
3 A That pregnant ladies shouldn't take it and not
4 take it if you've got a drive, et cetera. You know, like
5 cigarette, Surgeon General warning type thing.
6 MS. VARNELL: If we can make this the next
7 exhibit.
8 (Exhibit 16 was marked.)
9 BY MS. VARNELL:
10 Q And then contrasting Exhibit 16 with Exhibit 13.
11 Okay?
12 A Right.
13 Q So, Exhibit 13 doesn't have any labeling on it,
14 right?
15 A Correct.
16 Q It doesn't have the dosage of each gummy?
17 A Well, at the time it wasn't the law.
18 Q It doesn't have the dosage of each gummy?
19 A Right.
20 Q It doesn't have any warning labels?
21 A Okay.
22 Q It doesn't have -- is that correct?
23 A Naturally. Yes.
24 Q It doesn't have any sort of fancy packaging,
25 right?

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1 A Right.
2 Q Okay. And so there is no way for any officer, any
3 layperson to know whether this package of gummies is
4 illegal or legal, correct?
5 A Right. Correct.
6 Q Okay. The same with these vials, right?
7 A Uh-huh.
8 Q So, it's kind of hard to see, but now that you've
9 seen them, in Exhibit 11, these vials, do they have like
10 a liquid in them?
11 A Kind of -- it's like a liquid and a solid. It's
12 really, really thick.
13 Q What does it look like?
14 A Clearish.
15 Q Does it have like a color to it?
16 A A lot of it depends on some variables going into
17 it.
18 Q Do you remember what these looked like?
19 A Probably -- they were probably clear.
20 Q What exactly, like, is the -- if I were to tip it
21 upside down, does it move?
22 A No. Not for days.
23 Q Okay. What does that do? Like, what is that?
24 A It's delta 8 THC.
25 Q Okay. Is it less than three percent?

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1 A It's delta 8 THC.
2 Q I'm sorry, delta 8 THC.
3 A So, delta 9 is the thing that's regulated. Delta
4 8 is a hundred percent legal.
5 Q Okay. Does that have psychoactive?
6 A It does.
7 Q Is that labeled at all --
8 A No.
9 Q -- as to what it is?
10 A No.
11 Q Could illegal THC also appear that way?
12 A Sure.
13 Q It can?
14 A Sure.
15 Q And so there's no way then for any officer or
16 layperson to tell the difference in whether that is legal
17 or illegal, correct?
18 A Other than the test result.
19 Q But looking at it they can't --
20 A Well --
21 Q -- tell the difference --
22 A Visually --
23 Q -- correct?
24 A -- they can't.
25 Q That's correct?

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1 A Right.
2 Q Make sure you let me finish my question, okay? I
3 know it's hard to do.
4 You mentioned earlier, with the gummies, you had a
5 certificate of analysis done?
6 A Yes, ma'am.
7 Q I'm going to show you, I think, what we were
8 produced in discovery. Is that it?
9 A Uh-huh. Yes, ma'am.
10 Q This says, at the top, Certificate of Analysis,
11 Happy Hemp Farmacy. And then just below that it says
12 D9_G_620. Do you see that?
13 A I do.
14 Q What is that?
15 A A batch number.
16 Q A batch number. Okay. Where else would that
17 appear?
18 A Huh?
19 Q Would that appear anywhere else?
20 A On the official packaging, yes.
21 Q Okay. The official packaging?
22 A Right. Like I said earlier, as a businessowner
23 I'm not going to spend a dollar fifty on a container for
24 myself when I didn't have to.
25 Q Okay.

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1 A See what I'm saying?
2 Q Yes. So is this the -- this is the certificate of
3 analysis that you say is for the gummies that were in
4 your car?
5 A Correct.
6 Q Where's the official packaging for that then?
7 A What do you mean?
8 Q You said that this D9 --
9 A Like, the batch number would go on the official
10 packaging, like through the storefront, like when we sell
11 them.
12 Q But you -- my understanding of your testimony then
13 is that the gummies were for personal use on your
14 vacation --
15 A Correct.
16 Q -- is that correct?
17 A Yes, ma'am.
18 Q So you made the decision not to put them in
19 official packaging?
20 A I did.
21 Q Okay. So this ID number or official packaging
22 number just doesn't exist on any sort of packaging for
23 these gummies, correct?
24 A Not for those specific gummies. But the same
25 gummies that are sold from the storefront would have that

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1 batch number.
2 Q But it's your testimony then that this sample
3 certificate of analysis that has a date of June 28, 2022,
4 is for these gummies?
5 A Yes.
6 Q Okay. And it does not have packaging with this ID
7 label?
8 A As I was not required to have that, yes.
9 Q And this stop occurred when? In December?
10 A December.
11 Q So that's six months later?
12 A Yes.
13 Q I'm going to ask you about the complaint. I'm
14 going to have you go to Count I, which is on page 11.
15 That's the violation of the Second Amendment count?
16 A Yes.
17 Q Officer Serret did not take your gun, correct?
18 A Correct. Wait. He was the one standing there
19 when I got out of the car.
20 Q He did not physically handle your gun?
21 A I can't say.
22 Q You did not see him physically handle your gun?
23 A I can't say.
24 Q You did not see him physically handle your gun?
25 A I do not recall.

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1 Q It's either a yes or a no. Did you see Officer
2 Serret handle your gun?
3 A We'll say no.
4 Q Okay. Did he turn your gun over to the police
5 department?
6 A I don't know.
7 Q He is not the one that arrested you, correct?
8 A I didn't get arrested.
9 Q He's not the one that issued you a citation?
10 A Right.
11 Q Officer Thomas never handled your gun?
12 A For sure, no.
13 Q She is not the one that issued you a citation?
14 A Correct.
15 Q So what evidence do you have that Officer Thomas
16 violated your Second Amendment rights?
17 A The fact that she was there. They both -- they
18 were all there and nobody did anything to stop it.
19 Q So just --
20 A They're all complicit.
21 Q So just the mere presence of her being there
22 violated your Second Amendment rights; is that your
23 testimony?
24 A My testimony is that my gun was confiscated
25 illegally, all these cops are responsible.

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1 Q Okay. Any other evidence?
2 A What do you mean?
3 Q Any other evidence to support why Officer Thomas
4 allegedly violated your Second Amendment rights?
5 A No.
6 Q What other evidence do you have that Officer
7 Serret violated your Second Amendment rights?
8 A I feel like Officer Serret conspired with Officer
9 Bryant to either take my gun or charge me with something,
10 because of the way they -- have you seen the body cam
11 footage?
12 Q I have seen the body cam footage, yes.
13 A Okay. Well, I mean it speaks for itself really.
14 Q Okay. So, where in the body cam footage does
15 Officer Serret say that he needs to take your gun?
16 A I mean, he never explicitly said that, because
17 that would be foolish.
18 Q Have you alleged a conspiracy in your complaint?
19 A I'm not sure.
20 Q If I represent to you there's not a cause of
21 action for conspiracy in your complaint, would that be
22 fair?
23 A I don't know.
24 Q There's not.
25 A Okay.

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1 Q What other evidence do you have that Officer
2 Serret violated your Second Amendment rights?
3 A Can I play video?
4 Q No, sir.
5 A Oh. Well, that's my evidence.
6 Q I'm asking you, in your own words, what evidence
7 do you have that Officer Serret violated your Second
8 Amendment rights?
9 A The video.
10 Q What video?
11 A The body cam footage.
12 Q Tell me what in the body cam footage.
13 A When Bryant said, "I fucked up. I thought I
14 smelled weed but I didn't smell weed," Serret was like
15 "We smell weed," basically.
16 Q So Officer Serret, based on his personal
17 observations that he smelled marijuana --
18 A No. He said, "We've already started with the
19 smell of marijuana. We're going to go with the smell of
20 marijuana."
21 Q Okay.
22 A And, you know...
23 Q Anything else?
24 A Considering they didn't find any marijuana, I say
25 they didn't smell anything.

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1 Q Anything else?
2 A No, ma'am.
3 Q Okay. On the second one, unreasonable seizure
4 without probable cause, what evidence do you have that
5 Officer Thomas violated your rights to an unreasonable
6 seizure?
7 A She participated in the act of searching my car.
8 Q Okay. Anything else?
9 A (Moving head from side to side.) I mean --
10 Q Did she stop you?
11 A She was there. Like, she was second or third in
12 line. They're all as responsible as the next one.
13 Q Did she ever come up to your window?
14 A She was on the passenger side.
15 Q Okay. Did she order you out of the car?
16 A No.
17 Q Did she -- you actually have a conversation with
18 Officer Thomas?
19 A She's nice.
20 Q Yeah. I mean, you guys had a pretty long, cordial
21 conversation.
22 A Right. But that was to keep me placated. Like,
23 she, she was just distracting me while they violated my
24 rights.
25 Q It's your testimony that she was distracting you?

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1 A Not distracting but occupying me, because I was
2 going to have to be there for it anyway. But hers and my
3 conversation prevented me from getting more upset than I
4 would've if I hadn't been having the conversation.
5 Q So she was acting to deescalate the tension --
6 A Of my rights --
7 Q -- potentially?
8 A -- being violated? Right. Yes.
9 Q Okay.
10 A She definitely assisted in keeping me calm while
11 her partners violated my rights.
12 Q Okay. What about Officer Serret, any evidence --
13 what evidence do you have that he participated in the
14 seizure, unlawful seizure?
15 A The fact that he was there and that he searched my
16 car, even though the drug dog didn't hit and there was no
17 probable cause.
18 Q Okay. And I think we've already established that
19 they had -- if your windows were too dark, right, then
20 they have reason to stop you?
21 A Right.
22 Q And if they smelled marijuana, then they had
23 reason to search?
24 A Okay. But they call a drug dog and it didn't hit.
25 Q But if they smelled marijuana, then they had

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1 reason to search.
2 A But the dog didn't smell it?
3 Q If they smelled marijuana, then they have reason
4 to search.
5 A Okay.
6 Q Fair?
7 A No.
8 Q Okay. Is it --
9 MS. VARNELL: Did you need to voice an
10 objection?
11 MR. PINKSTON: If we're going to get into
12 legal conclusions, I'll voice an objection.
13 MS. VARNELL: Okay.
14 BY MS. VARNELL:
15 Q What evidence do you have that Officer Serret
16 violated deprivation of your personal property, in Count
17 III?
18 A The fact that they -- I mean, we can say this as
19 many times as you want to. They're all as responsible as
20 the next one. One bad apple spoils the bunch. And if
21 nobody spoke up against it, they're all complicit.
22 Q Do you understand that you have to prove this as
23 to each defendant?
24 A Sure.
25 Q Okay. That's why I'm asking.

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1 A Okay.
2 Q I'm entitled to ask these questions.
3 A Well, I'm going to answer the same thing every
4 time.
5 Q Okay. Then we're going to do this for every
6 count.
7 A Awesome.
8 Q Great. What evidence do you have that Officer
9 Serret violated your constitutional right as to the
10 deprivation of personal property?
11 A He was present and on duty and he -- he was the
12 one in the video taking the stuff. Right?
13 Q The seizure of your drugs in the car?
14 A Drugs?
15 Q The drugs in the car?
16 A What drugs?
17 Q The vials, the gummies.
18 A Those aren't drugs. Those are legal things that
19 I'm allowed to sell, and they're taxed additionally by
20 the State of Tennessee.
21 Q Is it --
22 A They're not drugs.
23 Q Is it your testimony that CBD is not a form of a
24 drug?
25 A It's -- I mean...

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1 Q Is that the semantics that we're going to get
2 into?
3 A The conation on the context there makes it feel
4 like you're saying --
5 Q There's no context. There's no context. I'm just
6 asking --
7 A The drugs in the car, when you say the "drugs in
8 the car," nobody's thinking Advil. Like, you don't -- do
9 you think of Advil as a drug?
10 Q What would you like me to call it then?
11 A Medicine.
12 Q The medicine in the car then. When he seized the
13 medicine in the car, is that what you're referring to?
14 A Yes.
15 Q Okay. And we've already determined that these
16 gummies, these vials, this white powder, they can't tell
17 the difference of whether they're legal or not legal,
18 correct?
19 A Based on visual appearance?
20 Q Right.
21 A Right.
22 Q And so is it your testimony that they should've
23 just left them?
24 A I don't think they should've searched the car in
25 the first place.

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1 Q So because --
2 A Especially not the trunk.
3 Q So because he took those, that's what you're
4 talking about?
5 A Right.
6 Q Okay. What evidence do you have that Officer
7 Thomas deprived you of your personal property?
8 A Because she stood there and watched them take my
9 stuff.
10 Q Anything else?
11 A No, ma'am.
12 Q So she -- you have no evidence that she personally
13 took anything.
14 A Only the fact that she was present.
15 Q But have no evidence that she personally took
16 anything.
17 A The video that you won't let me show.
18 Q What evidence in the video do you have that she
19 took anything or seized anything?
20 A None.
21 Q All right. What about Count IV, the deprivation
22 of your constitutional rights without due process of law,
23 as to Officer Serret?
24 A I'd say that's more a Bryant thing.
25 Q That's more of a Bryant thing?

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1 A (Moving head up and down.)
2 Q So nothing with Officer Serret?
3 A I mean I don't know what conversations they had
4 after the fact, you know, because I wasn't -- that wasn't
5 mentioned in the footage. But I don't have anything,
6 other than speculation, to suggest that anyone other than
7 Bryant was responsible for throwing my paperwork away.
8 Q Okay. That's fair. Same thing with Officer
9 Thomas?
10 A I suppose.
11 Q So no evidence as to either one of those two for
12 Count IV?
13 A Other than the fact that they were present when it
14 happened.
15 Q When what happened?
16 A The deprivation of my property and violation of my
17 due process. I don't know where they went after the
18 stop. I don't know what they did after that. I mean
19 like, you know...
20 Q Right. So you don't know.
21 A Right.
22 Q So you can't prove anything.
23 A Right.
24 Q Okay. Count V, the conversion of personal
25 property. As to Officer Serret?

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1 A Remind me again what conversion of personal
2 property means.
3 Q That means one person takes the personal property
4 of another. So we've talked about that along with
5 count --
6 A Serret is definitely --
7 Q -- III.
8 A He's for sure -- we got a picture of him doing it
9 right here.
10 Q So the taking of the medicine, or drugs as I call
11 them --
12 A Products. You can call them products if you want.
13 Q Sure.
14 A Because that's more accurate.
15 Q The products from the trunk.
16 A And the cab, the vehicle. Yeah. Yeah, he's
17 holding them right there.
18 Q So the taking of those, correct?
19 A Right.
20 Q The products, the medicine, the drugs, whatever
21 you want to call them, the taking of that?
22 A He took my stuff, yeah.
23 Q Okay. Anything from Officer Thomas for the
24 conversion count?
25 A Nope.

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1 Q No?
2 A Not at this time.
3 Q And the intentional infliction of emotional
4 distress. What evidence -- or what conduct of Officer
5 Serret's is outrageous?
6 A I sure wish we could just watch the video
7 together. That'd be good. Because it's, it's very clear
8 throughout the whole video that my rights are being
9 violated by everybody involved. All police officers on
10 the scene violated my rights, for sure. Because if they
11 weren't actively doing it, they were inactively
12 supporting it. Silence is consent.
13 Q Will you answer my question?
14 A What was the question?
15 Q What conduct of Officer Serret's was outrageous?
16 A All of it. All of his conduct was outrageous.
17 Q Of Officer Serret.
18 A Yes.
19 Q All of Officer Serret's conduct --
20 A Serret --
21 Q -- was outrageous?
22 A -- and Bryant, yes.
23 Q Okay. What in particular?
24 A The whole "we're going to go with smell of
25 marijuana" thing. Like, he might as well have winked

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1 and, you know --
2 Q Did you see him wink?
3 A No. Obviously I did not see him wink. But there
4 was an implication that they were going to stick to this
5 story in order to continue to violate my rights.
6 Q An implication, is that speculation?
7 A I don't know.
8 Q You're implying that.
9 A They implied it.
10 Q You're implying that.
11 A Okay.
12 Q Correct?
13 A Agree to disagree.
14 Q Okay. Keep going.
15 A Because the implication was there. I observed it.
16 Right? They implied it, I observed it.
17 Q You observed it on scene or in the body cam?
18 A In the body camera.
19 Q All right.
20 A The behind-the-scene stuff. They -- the stuff
21 that they didn't say in front of me, the stuff they said
22 to each other, yeah, that's outrageous.
23 Q Okay.
24 A And the fact that he told me, you know, "We caught
25 murderers and drug traffickers with window tint

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1 violations. There's a reason these statutes exist."
2 Right? And the unspoken part of that is so we can
3 profile people and arrest them.
4 Q And you have no idea what he meant by that.
5 A Neither do you.
6 Q He could've meant that based on his training and
7 experience, people with dark tinted windows use those
8 dark tinted windows to hide things. Right? Like
9 weapons?
10 A Is that speculation?
11 Q I'm just saying he could've meant that, right?
12 A He couldn't meant anything.
13 Q He could've meant a variety of things.
14 A Okay. But we know he didn't --
15 Q So it could've been my definition, it could've
16 been your definition. Correct?
17 A I'd like to ask him what his was.
18 Q But you can't assume it, right?
19 A Contextually? I mean -- did I answer your
20 question?
21 Q No.
22 A And what was it?
23 Q Outrageous conduct.
24 A Yeah. Him telling me that they use window tint
25 violations to get drug traffickers and murderers, he --

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1 like, does that not imply that he's suspicious of me for
2 those things, which he has no reason to be, because I
3 have window tint? It's a bit of a stretch.
4 Q Okay. Anything else?
5 A Not at this time.
6 Q Okay. What about Officer Thomas? Outrageous
7 conduct.
8 A She was pretty cool.
9 Q So nothing from her?
10 A Other than her presence in the whole -- like, the
11 whole incident was outrageous.
12 Q But nothing specific to Officer Thomas?
13 A Other than her presence.
14 Q Just being on scene, right?
15 A Yes.
16 Q All right.
17 A Complicit.
18 Q What about negligent infliction of emotional
19 distress? Anything -- how was Officer Serret negligent
20 to you?
21 A Specifically to me, or to his duty? Because he
22 never was negligent to me per se, but he was -- they all
23 negated my constitutional rights by illegally searching
24 my vehicle, illegally seizing my weapon, illegally
25 throwing away the paperwork, whoever did it, you know.

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1 This whole ordeal is outrageous.
2 Q Okay. And we have already discussed that, you
3 know, Officer Serret, you have no proof that he did
4 anything with your citation, right?
5 A Right.
6 Q You have no proof that he did anything with your
7 gun, right?
8 A Right.
9 Q Okay. So your answer seemed to indicate that
10 Officer Serret had something to do with those things.
11 A It could be argued that he facilitated Bryant's
12 actions based on their back and forth behind the scenes,
13 as evidenced in the video.
14 Q Okay. What about Officer Thomas?
15 A Same thing.
16 Q How was she negligent?
17 A They all negated my constitutional rights when my
18 weapon was seized, I was illegally searched and detained.
19 Q Even though she was pretty cool?
20 A Right. Cool people can still be negligent of
21 constitutional rights. She's a cool person, shitty cop.
22 Q Any evidence that she was negligent --
23 A To my --
24 Q -- in specific actions?
25 A More so her negligence is defined by her inaction,

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1 not her actions. Right? Because negligence is, a lot of
2 times, not doing something when you should, instead of
3 doing that you shouldn't have done. Right? So, like, by
4 not speaking up and by allowing my rights to be violated,
5 all of them are responsible.
6 Q Okay.
7 A I need a break. Can I take a break?
8 MS. VARNELL: Sure.
9 (Recess from 12:40 to 12:42.)
10 BY MS. VARNELL:
11 Q I want to go back to something you testified to
12 earlier. When you were arrested on the warrant in 2014,
13 the person told you it was for a Dade County warrant.
14 A Uh-huh.
15 Q And somebody said that case had been dismissed for
16 two years?
17 A Well, he took me to the Hamilton County jail where
18 he reached out to Dade County to confirm, and they sent
19 him a piece of copy paper, just a blank, white piece of
20 paper, with a handwritten note that said "Warrant is
21 valid. Hold him." Right.
22 Q And then somebody told you that case had been
23 dismissed?
24 A Well, they let me out the next day and said call
25 this guy, Rex Mayo. So I called him, and he said, yeah,

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1 don't know what happened; sorry you missed your sociology
2 exam.
3 Q But I think you testified earlier the case had
4 been dismissed for two years. Did I --
5 A Right. So there's something. I don't know. I
6 don't know.
7 Q What case had been dismissed for two years?
8 A Great question. I still was never given any
9 answer.
10 Q You weren't arrested two years before that?
11 A No.
12 Q Okay. I just wanted to make sure.
13 A I was a minor two years before that.
14 Q Got it. The cops that are sitting in your parking
15 lot, when did that start?
16 A I'd have to reference the pictures I've been
17 taking to give you a better answer. Do you want me to do
18 that?
19 Q Sure.
20 A (Reviewing phone.) We'll say a year.
21 Q A year?
22 A It's been about a year, yeah.
23 Q And it's Chattanooga Police Department?
24 A And some -- occasionally Hamilton County, but
25 mainly CPD.

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1 Q Okay. Is it Officer Thomas?
2 A I don't know.
3 Q Is it Officer Serret?
4 A I don't know.
5 Q Is it Officer Bryant?
6 A I don't know who it is.
7 Q Okay. Do you ever go up to them?
8 A No.
9 Q You don't talk to them?
10 A Of course not.
11 Q Where in the parking lot do they sit?
12 A In front of my store.
13 Q What do you mean? How far away from your store?
14 A Like 20 yards.
15 Q How long are they there?
16 A It depends. Sometimes they're there for a long
17 time, sometimes it's quick. It just depends.
18 Q What's a long time to you?
19 A An hour, two hours.
20 Q How often?
21 A Three times a month maybe.
22 Q Okay. And you've documented this every single
23 time?
24 A Yes, ma'am. So have my employees.
25 Q Have any of your employees gone outside to talk to

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1 them?
2 A No.
3 Q Ask them why they're there?
4 A Of course not.
5 Q It's just a question, okay?
6 How many Hamilton County Sheriff's Office officers
7 do you think there have been?
8 A I think I've only seen that two or three times.
9 Q And the majority of them have been CPD?
10 A Right.
11 MR. YANEZ: What was his response? I
12 couldn't hear it.
13 THE REPORTER: What are you asking?
14 MR. YANEZ: I couldn't hear his response.
15 MS. VARNELL: To?
16 MR. YANEZ: To your question.
17 THE REPORTER: Two or three times.
18 MS. VARNELL: Of what?
19 MR. YANEZ: Yeah, that's what I was -- the
20 question before that.
21 THE WITNESS: The sheriff's been there two or
22 three times. CPD is there most of the other times.
23 BY MS. VARNELL:
24 Q Can you tell if it's the same officer?
25 A No.

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1 Q You've alleged claims under what's called 1983,
2 right?
3 A Yes.
4 Q That's the federal law. That's how in federal
5 law, under 1983 --
6 A Okay.
7 Q -- civil rights. There's a statute called 1988.
8 That's how you get the attorney's fees, potentially.
9 A Right.
10 Q Do you understand that if you file a frivolous
11 lawsuit, under 1988 you could also be liable for
12 attorney's fees and costs?
13 A Sure.
14 MS. VARNELL: That's all I have.
15 MR. TIDWELL: No further questions.
16 MS. VARNELL: None.
17 (Signature waived.)
18 DEPOSITION CONCLUDED AT 12:47
19
20
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25

1 REPORTER'S CERTIFICATE
2 STATE OF TENNESSEE:
3 COUNTY OF HAMILTON:

4 I, Sheila D. Wilson, Licensed Court Reporter #268
and Notary Public, in and for the State of Tennessee, do
5 hereby certify that the deposition of NIKOLAS SHANE
SHIPLEY was reported by me, and that the foregoing 173
6 pages of the transcript is a true and accurate record to
the best of my knowledge, skills, and ability.

7 I further certify that I am not related to
nor an employee of counsel or any of the parties to the
8 action, nor am I in any way financially interested in the
outcome of this case.

9 I further certify that I am duly licensed by
the Tennessee Board of Court Reporting, as evidenced by
10 the LCR number and expiration date following my name
below.

11 In witness whereof, I have hereunto set my
hand this 11th day of November 2024.

12

13

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16

17

18



19 Sheila D. Wilson, LCR #268
Expiration date: 6/30/2026.
20 Notary Public Commission
Expires: 1/17/2027.

21

22

23

24

25

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